

MONTANA LEGISLATIVE HISTORY

Chapter 571 19 79

Bill H _____ S 65

Original bill & history ✓ c

H. Committee on Judiciary

Hearing Date(s) H 1/22 _____ c

H 3/15 _____ c

✓ 3/15 _____ c

_____ c

Date Out _____ c

S. Committee on Judiciary

Hearing Date(s) H 1/22 _____ c

H 1-29
H 2/1 am _____ c

✓ 2/1 pm _____ c

_____ c

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Did this bill originate in an interim committee? ✓ Yes _____ No

Committee _____

Report _____

Subcommittee on State Legal Services & Election Laws

Election Laws 11/78

The first hearing was a House & Senate Joint
hearing 1/22

Fiscal note mentioned but not w/ bills

SENATE BILL NO. 65

INTRODUCED BY LENSINK, REGAN

BY REQUEST OF THE INTERIM SUBCOMMITTEE ON STATE LEGAL
SERVICES AND ELECTION LAWS

IN THE SENATE

January 4, 1979	Introduced and referred to Committee on Judiciary.
	On motion Senators Lensink, and Regan were added as authors to the prefiled bill.
January 19, 1979	Fiscal note requested.
January 25, 1979	Fiscal note returned.
February 6, 1979	Committee recommend bill do pass as amended. Report adopted.
February 12, 1979	Second reading, do pass.
February 13, 1979	Considered correctly engrossed.
February 14, 1979	Third reading, passed. Transmitted to second house.

IN THE HOUSE

February 15, 1979	Introduced and referred to Committee on Judiciary.
March 20, 1979	Intent statement attached. Committee recommend bill be concurred in as amended. Report adopted.
March 21, 1979	Second reading, concurred in.
March 24, 1979	Third reading, concurred in, as amended.

IN THE SENATE

March 24, 1979

Returned from second house.
Concurred in as amended.

March 26, 1979

Second reading, pass
consideration until 3-28-79.

March 28, 1979

Second reading, amendments
adopted.

March 29, 1979

Third reading, amendments
adopted. Sent to enrolling.

Reported correctly enrolled.

STATEMENT OF INTENT RE: SB 65

A statement of intent is required for this bill because it delegates rulemaking authority to the secretary of state in section 200; amends 13-37-114, MCA, which delegates authority to the commissioner of campaign finances and practices to promulgate rules; and amends 13-37-227, MCA, which requires the commissioner of campaign finances and practices to adopt certain rules.

In addition, this statement is intended to clarify the authority granted to the secretary of state in section 12.

1. In subsection (1) of section 200 the secretary of state is authorized to adopt rules in accordance with the Montana Administrative Procedure Act relating to the examination and approval for use of voting machines and devices. The rapidly changing technology used to develop these machines and devices makes it impossible to anticipate and address every problem that may occur in determining if a machine or device is desirable for use in Montana. It is the intent of the Legislature that the secretary of state adopt rules specifying criteria for approval that must be met by new types of machines or devices. The secretary of state may find it necessary to adopt additional rules relating to hearings on allowing the use of machines or devices in

Montana if a number of companies request approval of their equipment.

2. In subsection (2) of section 200 the secretary of state is required to prescribe rules for the use of the machines and devices approved for use in Montana. The development of new types of machines and devices makes it impossible to provide detailed procedures for local election officials to follow in using machines and devices by statute. The secretary of state should provide, by rule, the same type of procedural guidance given by statutory law for elections conducted by paper ballots in those cases when the procedures need to be different than those used for paper ballot elections. Rules prescribed under this authority shall include specific procedures needed to insure that the machine or device is working properly and has not been tampered with, special procedures needed to count or record the votes cast, and special procedures to be used during a recount.

3. In section 233, the bill amends 13-37-114, MCA, to limit the rulemaking authority of the commissioner of campaign finances and practices to chapters 35, 36, and 37 of Title 13 in conformance with other amendments and provisions throughout the bill to clearly define the authority of the commissioner, the secretary of state, and local election officials.

1 4. In section 257, the bill amends 13-37-227, MCA, to
2 require the commissioner of campaign finances and practices
3 to adopt additional rules relating to political committees
4 which file periodic reports with the federal election
5 commission and those headquartered outside of Montana. It is
6 the intent of the Legislature that the commissioner adopt
7 rules which will allow these committees to comply with
8 Montana laws by filing copies of federal reports, whenever
9 possible.

10 5. In subsection (1)(a) of section 12, the authority
11 given to issue written directions and instructions is
12 intended to give legal standing to the type of directives
13 and instructions the secretary of state has issued in the
14 past in regard to elections and is not intended to
15 significantly increase the number of directives and
16 instructions. The main purpose of a directive or instruction
17 should be to assist election administrators in their duties
18 and assure uniform procedures are used in all counties,
19 whenever possible.

20 6. In subsection (1)(c) of section 12, the secretary
21 of state is authorized to issued advisory opinions. It is
22 the intent of the Legislature that advisory opinions should
23 be made primarily for administrative problems that do not
24 apply to all counties in the state or to problems that do
25 not regularly occur. An opinion should be issued only when

1 the person requesting the opinion and the secretary of state
2 believe the problem is administrative in nature and does not
3 require a legal opinion from a county attorney or the
4 attorney general.

1 SENATE BILL NO. 65
 2 INTRODUCED BY LENSINK, REGAN
 3 BY REQUEST OF THE INTERIM SUBCOMMITTEE ON STATE LEGAL
 4 SERVICES AND ELECTION LAWS
 5
 6 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
 7 LAWS RELATING TO ELECTIONS; REPEALING SECTIONS 7-2-4604,
 8 7-2-4605, 7-3-4263, 7-3-4328 THROUGH 7-3-4333, 7-3-4342
 9 THROUGH 7-3-4352, 7-5-301 THROUGH 7-5-303, 7-5-311, 7-5-2211
 10 THROUGH 7-5-2222, 7-5-4211 THROUGH 7-5-4225, 7-5-4402
 11 THROUGH 7-5-4409, 7-6-4433, 7-6-4435, 7-7-2230 THROUGH
 12 7-7-2236, 7-7-4228 THROUGH 7-7-4234, 7-13-2223, 7-13-2224,
 13 7-13-2248, 7-13-2250 THROUGH 7-13-2253, 7-13-2257,
 14 7-13-2326, 13-1-105, 13-2-101, 13-2-111, 13-2-113, 13-2-121,
 15 13-2-204, 13-2-303, 13-4-106, 13-4-204 THROUGH 13-4-206,
 16 13-10-101, 13-10-206, 13-10-207, 13-10-210, 13-10-304,
 17 13-10-312 THROUGH 13-10-321, 13-10-506, 13-10-603, 13-11-101
 18 THROUGH 13-11-103, 13-12-103 THROUGH 13-12-105, 13-12-206,
 19 13-12-211, 13-12-213, 13-13-102 THROUGH 13-13-110,
 20 13-13-202, 13-13-237, 13-13-238, 13-13-240, 13-13-302,
 21 13-13-303, 13-13-308, 13-14-101 THROUGH 13-14-104, 13-14-201
 22 THROUGH 13-14-204, 13-14-206, 13-15-302, 13-17-202,
 23 13-17-205, 13-17-207, 13-17-302 THROUGH 13-17-304,
 24 13-17-307, 13-17-401 THROUGH 13-17-404, 13-18-101 THROUGH
 25 13-18-106, 13-18-201 THROUGH 13-18-210, 13-35-212,

1 13-35-216, 13-35-219, 13-35-222 THROUGH 13-35-224,
 2 13-35-229, 13-35-230, 13-35-232, 20-20-412 THROUGH
 3 20-20-414, 85-7-1701, 85-7-1703 THROUGH 85-7-1709,
 4 85-7-1711, 85-7-1713, AND 85-9-423, MCA."

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

7 Section 1. Section 13-1-101, MCA, is amended to read:
 8 "13-1-101. Definitions. As used in this title, unless
 9 the context clearly indicates otherwise, the following
 10 definitions apply:

11 (1) "Anything of value" means any goods that have a
 12 certain utility to the recipient that is real and that is
 13 ordinarily is not given away free but is purchased.

14 (2) "Candidate" means:

15 (a) an individual who has filed a declaration of
 16 petition for nomination, certificate of nomination, or
 17 acceptance of nomination for public office as required by
 18 law; but does not include a candidate for national office
 19 who is subject to the provisions of federal election
 20 campaign laws

21 (b) for the purposes of chapters 35, 36, or 37, an
 22 individual who has publicly announced his intention to seek
 23 nomination or election to public office by write-in vote and
 24 who has received a contribution or made an expenditure or
 25 has given an authorization to another person to receive a

contribution or make an expenditure for the purpose of supporting his nomination or election;

~~{3}--"City"--means any incorporated city or town;~~

~~{4}--"Commissioners"---means---the---board---of---county commissioners;~~

~~{5}{3}~~ (a) "Contribution" means:

~~{6}{1}~~ an advance, gift, loan, conveyance, deposit, payment, or distribution of money or anything of value to influence an election;

~~{6}{11}~~ a transfer of funds between political committees;

~~{6}{111}~~ the payment by a person other than a candidate or political committee of compensation for the personal services of another person that are rendered to a candidate or political committee; but

(b) "Contribution does not mean:

~~{6}{1}~~ not services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee or meals and lodging provided by individuals in their private residence for a candidate or other individual;

(ii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation;

(iii) the cost of any communication by any membership organization or corporation to its members or stockholders or employees, so long as such organization is not a primary political committee; or

(iv) filing fees paid by the candidate.

~~{6}--"Council"---means---any---municipal---council---or commissions~~

~~{7}{4}~~ "Election" means a general, special, or primary election held to choose a public officer or submit an issue for the approval or rejection of the people pursuant to the requirements of state law, regardless of the time and/or purpose.

(5) "Election administrator" means the county clerk and recorder or the individual designated by a county governing body to be responsible for all election administration duties.

(6) "Elector" means an individual qualified and registered to vote under state law.

~~{8}{7}~~ (a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge, or gift of money or anything of value made for the purpose of influencing the results of an election; but--"expenditure"

(b) "Expenditure" does not mean:

~~{8}{1}~~ services, food, or lodging provided in a manner that they are not contributions under subsection {5} {3}; or

~~(b)(iii)~~ payments by a candidate for his filing fee or
for personal travel expenses, ~~or--for~~ food, clothing,
lodging, or personal necessities for himself and his family;

~~(iii)~~ the cost of any bona fide news story, commentary,
or editorial distributed through the facilities of any
broadcasting stations, newspapers, magazine, or other
periodical publication of general circulation; or

~~(iv)~~ the cost of any communication by any membership
organization or corporation to its members or stockholders
or employees, so long as such organization is not a primary
political committee.

~~(9)(8)~~ "General election" means an election held for
the election of public officers throughout the state at
times specified by law, including elections for officers of
political subdivisions when the time of the election is set
on the same date for all similar political subdivisions in
the state.

~~(10)(9)~~ "Individual" means a human being.

~~(11)(10)~~ "Issue" or "ballot issue" means a proposal
submitted to the people at an election for their approval or
rejection, including but not limited to initiatives,
referenda, proposed constitutional amendments, recall
questions, school levy questions, bond issue questions, or a
ballot question. For the purposes of chapters 35, 36, and
37, an issue becomes a "ballot issue" upon certification by

the proper official that the legal procedure necessary for
its qualification and placement upon the ballot has been
completed, except that a statewide issue becomes an "issue"
upon approval by the secretary of state of the form of the
petition or referral.

~~(12)~~ "Party" means any political organization which--at
the--last--preceding election for governor--potted--at--least--3%
of the votes for governors.

~~(13)(11)~~ "Person" means an individual, corporation,
association, firm, partnership, cooperative, committee,
club, union, or other organization or group of individuals
or a candidate as defined in subsection (2) of this section.

~~(14)(12)~~ "Political committee" means a combination of
two or more individuals or a person other than an
individual, who makes a contribution or expenditure; the
primary or incidental purpose of which is

(a) to support or oppose a candidate or issue--or--to
influence--the--result--of--an election by any expenditure a
committee organized to support or oppose a candidate or a
petition for nomination; or

(b) to support or oppose a ballot issue or a committee
organized to support or oppose a ballot issue; or

(c) as an earmarked contribution.

~~(13)~~ "Political subdivision" means a county,
consolidated municipal-county government, municipality,

~~special districts or any other unit of government, except school districts, having authority to hold an election for officers or on a ballot issue.~~

~~{15}{14} "Primary" or "primary election" means a statutory procedure for nominating candidates to public office at the polls an election held throughout the state to nominate candidates for public office at times specified by law, including nominations of candidates for offices of political subdivisions when the time for such nominations is set on the same date for all similar subdivisions in the state.~~

~~{16}{15} "Public office" means a state, county, municipal, school, or other district office that is filled by the people at an election.~~

~~{17}{16} "Registrar" means the county clerk and recorder election administrator and any regularly appointed deputy clerk and recorder or assistant election administrator.~~

~~{18}{17} "Special election" means an election called by the proper authorities to fill vacancies or to raise money other than a statutorily scheduled primary or general election held at any time for any purpose provided by law. It may be held in conjunction with a statutorily scheduled election.~~

~~{18} "Voting machine or device" means any equipment~~

~~used to record, tabulate, or in any manner process the vote of an elector.~~

~~{19} "Taxpayer" means a person who has paid a tax on property assessed on a county or city assessment roll next preceding the election at which a question is to be submitted to the vote of the taxpayers.~~

~~{20} "Vacancy" means an office which does not have an incumbent who has a right to exercise its functions and take its fees or emoluments."~~

Section 2. Section 13-1-103, MCA, is amended to read:

"13-1-103. Determination of winner. The person individual receiving the highest number of votes for any office at an election is elected or nominated to that office."

NEW SECTION. Section 3. Times for holding primary elections. (1) On the first Tuesday after the first Monday in June preceding the general election provided for in 13-1-104(1), a primary election shall be held throughout the state.

(2) On the second Tuesday after the second Monday in September preceding the general election provided for in 13-1-104(2), a primary election, if required, shall be held throughout the state.

Section 4. Section 13-1-104, MCA, is amended to read:

"13-1-104. Date of Times for holding general election

elections. (1) A general biennial election shall be held throughout the state in every even-numbered year on the first Tuesday after the first Monday of November to elect federal officers, state or multicounty district officers, members of the legislature, and judges of the district court when the terms of such offices will expire before the next scheduled election for the offices or when one of the offices must be filled for an unexpired term as provided by law.

(2) A general election shall be held throughout the state in every odd-numbered year on the first Tuesday after the first Monday in November to elect county and municipal officers, officers of political subdivisions wholly within one county, and any other officers specified by law for election in odd-numbered years when the term for the offices will expire before the next scheduled election for the offices or when one of the offices must be filled for an unexpired term as provided by law.

(3) The general election for any political subdivision required to hold elections annually shall be held with the general election provided for in subsections (1) and (2). If a primary election is necessary, it shall be held at the same time as the primary provided for the regular general election for that year."

Section 5. Section 13-1-106, MCA, is amended to read:

"13-1-106. Time of opening and closing of polls for all elections. (1) For any election, except as provided in subsection (2):

(a) in precincts having 100 or more registered electors, the polls must be opened at 8 a.m. on the morning of election day and must be kept open continuously until 8 p.m. of that day; or until

(b) in precincts having less than 100 registered electors, the polls must be opened at 1 p.m. and closed at 8 p.m. of that day;

(c) whenever all registered electors in any precinct have voted, at which time the polls shall be closed immediately.

(2) If a special election is held by a county, city, high school district, or school district on the question of incurring an indebtedness or making a special or additional levy for any purpose, the polls shall open at 12 noon and be kept open continuously until 8 p.m. However, the poll hours shall be as specified in subsection (1) if the election is held on the same day, at the same polling places, and with the same judges and clerks as a general county, school, or city election."

NEW SECTION. Section 6. Notice of special elections. Notice of any special election shall be published at least once a week for the 3 successive weeks before the election

1 on radio or television as provided in 2-3-105 through
2 2-3-107 or in a newspaper of general circulation in the
3 jurisdiction where the election will be held.

4 Section 7. Section 13-1-112, MCA, is amended to read:

5 "13-1-112. Rules for determining residence. For
6 registration or voting, the residence of any person
7 individual shall be determined by the following rules as far
8 as they are applicable:

9 (1) The residence of a person individual is where his
10 habitation is fixed and to which, whenever he is absent, he
11 has the intention of returning.

12 (2) A--person An individual may not gain or lose a
13 residence while kept involuntarily at any public
14 institution, not necessarily at public expense; while as a
15 result of being confined in any public prison; or while
16 solely as a result of residing on a military reservation.

17 (3) A--person An individual in the armed forces of the
18 United States may not become a resident in--consequence
19 solely as a result of being stationed at a military facility
20 in the state. A--person An individual may not acquire a
21 residence by--reason solely as a result of being employed or
22 stationed at a training or other transient camp maintained
23 by the United States within the state.

24 (4) A--person An individual does not lose his residence
25 if he goes into another state or other district of this

1 state for temporary purposes with the intention of returning
2 unless he exercises the election franchise in the other
3 state or district.

4 (5) A--person An individual may not gain a residence in
5 a county if he comes in for temporary purposes without the
6 intention of making that county his home.

7 (6) If a--person an individual moves to another state
8 with the intention of making it his residence, he loses his
9 residence in this state.

10 (7) If a--person an individual moves to another state
11 with the intention of residing there for an indefinite time,
12 he loses his residence in this state even though he intends
13 to return to this state at some future period.

14 (8) The place where a--person's an individual's family
15 resides is presumed to be that person's individual's place
16 of residence. However, a--person an individual who takes up
17 or continues a residence at a place other than where his
18 family resides with the intention of remaining is a resident
19 of the place where he resides.

20 (9) A change of residence can only be made only by the
21 act of removal joined with intent to remain in another
22 place."

23 Section 8. Section 13-1-113, MCA, is amended to read:

24 "13-1-113. Only one residence. There can be only be
25 one residence."

Section 9. Section 13-1-114, MCA, is amended to read:

"13-1-114. ~~Term~~ Computation of elector's age and term of residence. An elector's age and the term of his residence must be computed by including the day of election."

Section 10. Section 13-1-122, MCA, is amended to read:

"13-1-122. Ballot form and contents ~~content~~. The ballot submitting the question to the people shall contain ~~the--attorney--general's--explanatory--statement--and~~ the following:

"~~Pursuant--to~~ Article XIV, sections 3 and 4~~1~~ of the Montana constitution, ~~the secretary--of--state--shall--cause~~ requires the question of holding an unlimited constitutional convention to be submitted to the people at the general election in each 20th year following its last submission. If a majority of those voting on the question answer in the affirmative, the legislature shall provide for the calling thereof at its next session.

☐ FOR CALLING A CONSTITUTIONAL CONVENTION

☐ AGAINST CALLING A CONSTITUTIONAL CONVENTION"

NEW SECTION. Section 11. Chief election officer. The secretary of state is the chief election officer of this state, and it is his responsibility to obtain and maintain uniformity in the application, operation, and interpretation

of the election laws other than those in chapters 35, 36, or 37 of this title.

NEW SECTION. Section 12. Forms and rules prescribed by chief election officer. (1) In carrying out his responsibilities under 13-1-201, the secretary of state shall prepare and deliver to the election administrators:

(a) written directives and instructions relating to and based on the election laws;

(b) sample copies of prescribed and suggested forms; and

(c) advisory opinions on the effect of election laws other than those laws in chapters 35, 36, or 37 of this title.

(2) The secretary of state may prescribe the design of any election form required by law. He must seek the advice of election administrators and printers in designing the required forms.

(3) Each election administrator shall comply with the directives and instructions and shall provide election forms prepared as prescribed.

NEW SECTION. Section 13. Chief election officer to advise, assist, and train. The secretary of state shall advise and assist election administrators with regard to application, operation, and interpretation of Title 13, except for chapters 35, 36, or 37. He shall hold at least

one workshop each year to provide training and assistance to election administrators. Election administrators shall be reimbursed, from funds appropriated to the secretary of state, for their mileage and expenses for attending the workshops at the rates set for mileage and expenses for county officials as provided for in 2-18-501 through 2-18-503. At the discretion of the secretary of state and within the budget limits allowed for workshops, such workshops may be held in several sessions at separate locations in the state.

NEW SECTION. Section 14. Election administrator. (1) The county clerk and recorder of each county is the election administrator unless the governing body of the county designates another official or appoints an election administrator.

(2) The election administrator is responsible for the administration of all procedures relating to registration of electors and conduct of elections and shall keep all records relating to elector registration and elections.

NEW SECTION. Section 15. Election records open to public. Unless specifically provided otherwise, all records pertaining to elector registration and elections are public records. They shall be open for inspection during regular office hours.

NEW SECTION. Section 16. Election costs. (1) Unless

specifically provided otherwise, all costs of the primary and general elections regularly scheduled for even-numbered years shall be paid by the counties.

(2) Costs of the primary and general elections regularly scheduled for odd-numbered years shall be paid by the counties and other political subdivisions for which the elections are held. Each political subdivision shall bear its proportionate share of the costs as determined by the county governing body.

(3) A political subdivision holding an annual election with a regularly scheduled election shall bear its proportionate share of the costs as determined by the county governing body.

(4) The political subdivision for which a special election is held shall bear all costs of the election, or its proportionate share as determined by the county governing body if held in conjunction with any other election.

(5) The county governing body shall set a schedule of fees for services provided to school districts by the election administrator.

(6) Election costs shall be paid from county funds, and any shares paid by other political subdivisions shall be credited to the fund from which the costs were paid.

NEW SECTION. Section 17. Disposition of ballots and

1 other election materials. (1) The voted ballots, detached
 2 stubs, unvoted ballots, and unused ballots from an election
 3 shall be kept in the unopened packages received from the
 4 election judges for a period of 12 months. Such packages may
 5 be opened only when an order for opening is given by the
 6 proper official for a recount procedure. After 12 months, if
 7 there is no contest begun, recount pending, or appeal of a
 8 decision relating to a contest or recount, an election
 9 administrator may destroy the ballots without opening the
 10 packages.

11 (2) The secretary of state, in consultation with the
 12 state records committee, shall prepare a suggested plan for
 13 retention and destruction of all other election records.
 14 Each election administrator shall prepare a plan for
 15 retention and destruction of election records in the county
 16 and shall submit it to the secretary of state for approval.
 17 After approval of such a plan, records may be destroyed as
 18 provided in the plan. All plans must be reviewed by the
 19 secretary of state every 5 years.

20 NEW SECTION. Section 18. Election records to be kept
 21 by secretary of state. (1) The secretary of state shall
 22 maintain current and accurate records including:

23 (a) a list of all precincts in each county;

24 (b) a map showing the boundaries of all precincts in
 25 each county;

1 (c) a count of the number of registered voters in each
 2 precinct for the latest general election;

3 (d) a list of legislative districts, judicial
 4 districts, and any multicounty election districts, showing
 5 the precinct numbers of each county contained in each
 6 district and the number of registered voters in each
 7 district for the latest general election;

8 (e) a count of votes cast at the latest general
 9 election by precinct; by municipality; and by legislative,
 10 judicial, and multicounty districts.

11 (2) Each election administrator shall provide the
 12 information and map for the record required in subsection
 13 (1) in the form and at the time prescribed by the secretary
 14 of state.

15 (3) The records required in subsection (1) and all
 16 records in the secretary of state's office pertaining to
 17 elections shall be open for public inspection during normal
 18 office hours.

19 Section 19. Section 13-2-102, MCA, is amended to read:

20 "13-2-102. Deputy registrars. (1) ~~At least one~~ notary public who fulfills the requirements of subsection
 21 notary public who fulfills the requirements of subsection
 22 (4) are may be a deputy registrars registrar in the county
 23 in which they reside he resides.

24 ~~(2) The commissioners shall appoint a minimum of two~~
 25 ~~deputy registrars who are not notaries public; a minimum of~~

~~one--from--each-of-the-two-major-political-parties--for--each
precinct--in--the--county--from--lists--of--persons--recommended--by
the--political-parties--if--the--parties--fail--to--submit--lists--
the--commissioners--shall--appoint--deputy--registrars--without
recommendations--from--the--parties--the--number--of--appointed
deputy--registrars--for--each--county--shall--always--be--equally
divided--between--the--two--major--political--parties--An
appointed-deputy-registrar-shall-be-a-qualified-resident
elector-in-the-precinct-for-which-he-is-appointed.~~

(2) (a) The governing body of each county shall
appoint at least two deputy registrars for each precinct in
the county before March 15 of each even-numbered year.

(b) The number of appointed deputy registrars shall be
equally divided between the political parties meeting the
requirements of 13-10-601 unless one or more of the parties
fail to submit the list required in subsection (3) or submit
an incomplete list. A political party which qualifies under
13-10-501 may request the appointment of deputy registrars
and shall submit a list for such appointments within 30 days
of such qualification.

(c) An appointed deputy registrar must be a resident
elector in the precinct for which appointed but may register
electors in all precincts in the county.

(3) No deputy registrar may register a voter until
that deputy registrar has been issued a certificate of

~~approval-by-the-county-registrar-certifying-that-the-deputy
registrar---has---received---instructions---on---registration
procedure-from-the-county-registrar. Deputy registrars shall
be appointed from lists of individuals recommended by the
qualified political parties submitted by February 1 of
even-numbered years. If no lists are submitted by political
parties, the governing body may appoint two deputy
registrars for each precinct without party recommendations.~~

(4) A deputy registrar who has been issued the
certificate required by subsection (3) may register electors
residing in any precinct of the county for which he is a
deputy registrar. Each election administrator shall provide
training to all deputy registrars in registration procedures
and shall issue a certificate to each deputy registrar on
successful completion of the training. A deputy registrar
may not register voters without a current certificate. All
certificates expire on March 15 of each even-numbered year.

(5) Within 3 days after a registration card is filled
out, deputy Registrars shall forward the card all
completed cards to the county registrar within 3 days.
Registration cards properly executed prior to the before a
deputy registrar prior to the close of registration deadline
shall be accepted by the registrar for 3 days after the
deadline close of registration."

Section 20. Section 13-2-112, MCA, is amended to read:

1 "13-2-112. Registry--book--and--card-index Register of
 2 electors to be kept. The--registrars Each election
 3 administrator shall keep an official register of electors in
 4 a the manner which--each-registrar-deems-the he considers
 5 most efficient. A-card-index-shall-be-kept-by-the--registrar
 6 and--shall--at-all-times-be-in-the-custody-of-the-registrars
 7 The form and information recorded in the registry--book--and
 8 on--the--registry-cards shall be designated by the secretary
 9 of state. The original signed registration form for each
 10 elector shall be filed alphabetically in a separate file for
 11 each precinct. Additional files and records may be
 12 established for convenience. The information recorded in the
 13 official register of electors and the design of the
 14 registration forms shall be prescribed by the secretary of
 15 state."

16 Section 21. Section 13-2-114, MCA, is amended to read:

17 "13-2-114. Registration cards numbers to be assigned.
 18 (1) Registration cards mayv-at-the-discretion-of-the-county
 19 clerk-and-recorderv-be-numbered-with-the--elector's-social
 20 security--numberv--and--such--number--shall--be-the-registry
 21 number. The registration form for each elector shall be
 22 assigned a number by the election administrator, using a
 23 system of numbering that best accommodates the filing system
 24 and list preparation method used. The election administrator
 25 may adopt the use of the elector's social security number as

1 the registration number. If social security numbers are
 2 used, they may not be printed on lists of registered voters
 3 or released as public information.

4 (2) The registrar shall classify registration cards by
 5 precinct--and--arrange--the--cards--for--each--precinct--in
 6 alphabetical--order. If social security numbers are used as
 7 the registration number, the election administrator may
 8 assign an alternative number for any elector who does not
 9 have a social security number or who declines to provide the
 10 number. A system of assigning alternative numbers shall be
 11 developed in consultation with the secretary of state.

12 (3)--The--cards--for--each--precinct--shall--be--kept--in--a
 13 separate file.

14 (4)--Immediately after filling out a registration card,
 15 the registrar shall enter the information in the--official
 16 register of the county in the proper precincts."

17 Section 22. Section 13-2-115, MCA, is amended to read:

18 "13-2-115. Lists--of--registered-electors Registration
 19 lists to be prepared. (1) Immediately after registration is
 20 closed, the registrar election administrator shall prepare
 21 and have printed lists of all registered electors in each
 22 precinct. The--registrar--shall--have--a--list--printed--of--all
 23 registered-electors--shown--on--the--precinct--registers--of--the
 24 county--or--city--10--days--or--more--preceding--any--election.
 25 Names of electors shall be listed alphabetically, with their

1 residence address or mailing address if located where street
 2 numbers are not used. A preliminary list of registered
 3 electors may be printed before the close of registration for
 4 an election. If a preliminary list is printed, a
 5 supplementary list must be printed after the close of
 6 registration.

7 ~~{2}--The--list--shall--show--the--name--of--the--elector--in~~
 8 ~~fully--the--number--and--street--of--his--residence--if--he--resides~~
 9 ~~within--a--city--his--post--office--address--if--he--resides--outside~~
 10 ~~a--city--and--the--registry--number.~~

11 ~~{3}{21}~~ A copy of the list of registered voters shall
 12 be posted ~~displayed~~ at the polling place. Sufficient Extra
 13 copies of the lists shall be retained by the registrar
 14 election administrator and furnished to an elector upon
 15 request.

16 ~~{4}--if--no--declarations--of--nomination--have--been--filed~~
 17 ~~40--days--before--a--primary--election--of--city--officers--the--city~~
 18 ~~clerk--shall--immediately--notify--the--registrar--in--writing--and~~
 19 ~~the--list--of--registered--electors--for--the--city--shall--not--be~~
 20 ~~printed.~~

21 ~~{5}{31}~~ The list of registered voters electors prepared
 22 for a primary election may be used for the general election
 23 only if a supplemental list giving the ~~names--of--electors~~
 24 ~~who--have--registered--after--the--first--list--was--prepared~~
 25 additions and deletions since the primary list was prepared.

1 is printed. The election administrator may prepare lists for
 2 a special election, but lists are not required to be printed
 3 for special elections.

4 ~~{6}--The--expense--of--printing--this--list--shall--be--paid--by~~
 5 ~~the--county--or--city--in--which--the--election--is--to--be--held.~~

6 Section 23. Section 13-2-116, MCA, is amended to read:

7 "13-2-116. Precinct register. (1) ~~After--the--closing--of~~
 8 ~~the--official--register--and--before--the--election--the--registrar~~
 9 ~~shall:~~

10 ~~{a}--prepare--a--precinct--register--for--each--precinct--for~~
 11 ~~use--by--clerks--and--election--judges.~~

12 ~~{b}--list--the--names--of--electors--in--alphabetical~~
 13 ~~division.~~

14 ~~{c}--show--all--information--from--the--registry--card--of~~
 15 ~~each--elector--except--the--oath--of--the--elector.~~

16 ~~{d}--deliver--a--certified--copy--of--the--precinct--register~~
 17 ~~to--the--election--judges--prior--to--the--opening--of--the--polls.~~

18 ~~{e}--combine--into--one--precinct--register--the--names--of~~
 19 ~~all--electors--in--the--several--precincts--where--the--precincts--in~~
 20 ~~city--elections--or--elections--in--school--districts--of--the--first~~
 21 ~~class--include--more--than--one--county--precinct.~~ Before each
 22 election, the election administrator shall prepare a
 23 precinct register for each precinct for use by the election
 24 judges. The register must contain an alphabetical list of
 25 the names, with addresses, of the registered electors, a

1 space for the signature of the elector, and such other
 2 information as prescribed by the secretary of state.

3 ~~(2) If no declarations of nomination have been filed~~
 4 ~~40 days before a primary election for city offices, the city~~
 5 ~~clerk shall immediately notify the registrar in writing, and~~
 6 ~~the precinct register or registers shall not be prepared. If~~
 7 ~~some of the electors in a precinct are not eligible to~~
 8 ~~receive all ballots at an election because of a combination~~
 9 ~~of the elections of more than one political subdivision, the~~
 10 ~~election administrator shall distinguish the names of those~~
 11 ~~eligible for each ballot by whatever method will be clear~~
 12 ~~and efficient.~~

13 (3) When several precincts have been combined at one
 14 polling place for an election, the election administrator
 15 may combine the electors from all precincts into one
 16 register or may provide separate registers for each
 17 precincts."

18 Section 24. Section 13-2-117, MCA, is amended to read:

19 "13-2-117. Commissioner County governing body to
 20 provide registrar election administrator with sufficient
 21 help. The ~~commissioners~~ county governing body must
 22 provide the registrar election administrator with sufficient
 23 help for the duties imposed by this title. The cost of
 24 stationery, printing, publishing, and posting is a proper
 25 charge against the county."

1 NEW SECTION. Section 25. Duties of officials when
 2 election not held. If a scheduled election is not necessary
 3 or is cancelled for any reason, the governing body or
 4 official making the determination shall immediately notify
 5 the election administrator in writing. If the election is
 6 not necessary because of the number of candidates filed, the
 7 election administrator shall make the determination and
 8 notify the proper governing body. Lists of registered voters
 9 and precinct registers need not be printed if the election
 10 will not be held.

11 Section 26. Section 13-2-201, MCA, is amended to read:

12 "13-2-201. Hours of registration. The ~~registrar's~~
 13 election administrator's office shall be open for voter
 14 registration of electors from 8 a.m. until 5 p.m. on all
 15 regular working days ~~except legal holidays as defined by~~
 16 ~~1-1-216, except that the registrar's office shall be kept~~
 17 ~~open on election day during the hours when the polls are~~
 18 ~~open. The office may be kept open for the registration of~~
 19 ~~electors at other times at the discretion of the election~~
 20 ~~administrator."~~

21 Section 27. Section 13-2-202, MCA, is amended to read:

22 "13-2-202. Registration by personal appearance. An
 23 elector may register by appearing before the registrar or a
 24 deputy registrar in the county in which he resides and:

25 (1) answering any questions asked by the registrar

1 official concerning items of information called for by
2 registry-cards in the registration form;

3 (2) signing and verifying or affirming the affidavit
4 or affidavits on the card form."

5 Section 28. Section 13-2-203, MCA, is amended to read:

6 "13-2-203. Registration by mail. (1) ~~An elector~~ A
7 qualified individual may register by mailing, postage paid,
8 a properly completed registry-card registration form to the
9 registrar election administrator in the county in which he
10 resides.

11 (2) The registrar election administrator shall send
12 registry-cards registration forms for mail registrations to
13 all persons qualified individuals requesting them, ~~whether~~
14 ~~the application is made in writing or by telephone and~~
15 ~~shall in addition arrange for the cards to be available~~
16 ~~from city and town clerks within the county and may arrange~~
17 ~~for them to be available at other locations and shall, in~~
18 addition, arrange for the forms to be widely and
19 conveniently available within the county. The mail registry
20 card registration form shall be ~~in the form~~ designed as
21 prescribed by the secretary of state.

22 (3) The elector shall complete, sign, and either
23 verify or affirm the registry-card mail registration form
24 before a notary public or other officer empowered to
25 administer oaths or complete and sign the card form and

1 obtain the signature, address, and voting precinct of at
2 least one registered voter in the county who shall witness
3 the facts stated on the registry-card registration form.

4 (4) The registration card form must be received by the
5 election administrator on or before the day of the close of
6 registration and must be mailed no later than 15 days after
7 the date it is signed by the witness or officer before whom
8 signed.

9 ~~{5} Upon receipt of a properly executed registry card,~~
10 ~~the county registrar shall cause to be sent to the new voter~~
11 ~~a postcard affirming registration and giving the location of~~
12 ~~the voter's polling place. On the face of the notification~~
13 ~~shall be printed the words, "Do Not Forward, Return Postage~~
14 ~~Guaranteed".~~

15 Section 29. Section 13-2-205, MCA, is amended to read:

16 "13-2-205. Procedure when prospective voter elector
17 not qualified at time of registration. ~~A person~~ An
18 individual who is not eligible to register because of
19 residence or age requirements but who will be eligible on or
20 before election day may register ~~with the registrar~~ if he
21 ~~answers the questions of the registrar and~~ it appears that
22 he will become qualified to vote by election day."

23 NEW SECTION. Section 30. Notice of registration. (1)
24 The election administrator shall give or mail to each
25 elector a notice, affirming registration and giving the

1 location of the elector's polling place. Mailed notices must
2 have printed on the address side the words "Do Not Forward,
3 Return Postage Guaranteed".

4 (2) The election administrator must investigate the
5 reason for the return of any mailed notices and correct the
6 address on the registration form and mail a new notice or
7 cancel the registration of the elector if a diligent effort
8 fails to locate the elector named on the registration form.

9 Section 31. Section 13-2-212, MCA, is amended to read:

10 "13-2-212. Registration of electors in the United
11 States service. (1) Any elector in the United States service
12 who is absent from the state and the county of which he is a
13 resident may register by mailing to the election
14 administrator:

15 (a) ~~mailing~~ the ~~registry--card~~ registration form
16 filled out and signed under oath ~~to the registrar~~; or

17 (b) ~~mailing~~ the federal postcard application, filled
18 out and signed under oath ~~to the registrar~~.

19 (2) The form of the federal postcard application,
20 which may be used both as an application for registration
21 and for a ballot, shall be prescribed by the secretary of
22 state."

23 Section 32. Section 13-2-213, MCA, is amended to read:

24 "13-2-213. Oath for elector in United States service.

25 (1) Any oath required for electors in the United States

1 service ~~to--registry--request--a--ballot--or--vote~~ may be
2 administered and attested, within or without the United
3 States, by any commissioned officer in active service, any
4 member of the merchant marine of the United States
5 designated for this purpose by the secretary of commerce,
6 the head of any department or agency of the United States,
7 any civilian official empowered by state or federal law to
8 administer oaths, or any civilian employee designated by the
9 head of any department or agency of the United States.

10 (2) No official seal is required to be affixed to the
11 oath. Neither the elector nor the certifying officer need
12 disclose his whereabouts at the time of taking the oath
13 except to the extent required by the federal post card
14 application."

15 Section 33. Section 13-2-214, MCA, is amended to read:

16 "13-2-214. Classification of federal post card
17 application. (1) Upon receipt by the registrar election
18 administrator of a federal post card application, properly
19 filled out and signed under oath, the registrar election
20 administrator shall classify the application according to
21 the precinct in which the elector resides ~~and--arrange--the~~
22 ~~cards--in--each--precinct--in--alphabetical--order~~ or, if the
23 information is insufficient to determine residence, assign
24 an appropriate precinct.

25 (2) The registrar election administrator shall, upon

1 receipt of any federal post card application, immediately
 2 enter upon the official register of the county in the proper
 3 precinct the full information given by the elector all
 4 information in the registration records of the office and
 5 either file the post card application with regular
 6 registration forms or file a photocopy attached to a regular
 7 registration form on which the information has been entered.

8 (3) Immediately upon entry in the official registry of
 9 the name of the elector, the registrar the election
 10 administrator shall send to him the applicant by the fastest
 11 mail service available a notice that he has been registered
 12 and informing him that in order to secure a ballot he must
 13 mail at any time within 45 75 days preceding the election
 14 another federal post card application to his registrar or
 15 city clerk the election administrator.

16 (4) A federal post card application received from an
 17 elector in the United States service within 45 75 days
 18 preceding an election shall be treated as a simultaneous
 19 application for registration and for ballot. Where the
 20 elector is already registered, the federal post card
 21 application shall be treated as an application for a ballot.
 22 The election administrator may use photocopies of the post
 23 card application to complete all necessary records."

24 Section 34. Section 13-2-301, MCA, is amended to read:

25 "13-2-301. Close of registration -- procedure. (1) The

1 registrar election administrator shall:

2 (a) close registrations as follows:

3 (i) for 30 days before any federal election;

4 (ii) at noon the day before election for voters
 5 entitled under the provisions of 13-2-215 to register to
 6 that time;

7 (iii) for 40 days before any election other than
 8 hereinabove provided; close registrations for 30 days before
 9 any election; and

10 (b) immediately after closing registration, send the
 11 secretary of state a certificate showing the number of
 12 voters registered in each precinct in a county; publish
 13 notice specifying the day registrations will close on radio
 14 or television as provided in 2-3-105 through 2-3-107 or in a
 15 newspaper of general circulation in the county at least once
 16 a week for 3 weeks before the close of registration.

17 (c) 60 days before the election, publish notice in a
 18 newspaper of general circulation in the county specifying
 19 the day registrations will close and post the notice in each
 20 precinct.

21 (2) The published notice shall continue for a period
 22 of 20 days. The notice shall state that electors may
 23 register for the ensuing election by appearing before the
 24 registrar or before any deputy registrar as provided by law.
 25 Information to be included in the notice shall be prescribed

1 by the secretary of state."

2 Section 35. Section 13-2-302, MCA, is amended to read:

3 "13-2-302. Registration ~~white~~ registry ~~closed~~
4 immediately before an election. An individual may register
5 During during the time when the registry registration is
6 closed preceding any election, a person may register and the
7 registrar elections administrator shall keep his registry
8 card registration form in a separate file until the official
9 register is again open. At that time all cards in the
10 temporary file shall be placed in their proper position in
11 the official register it can be properly entered after the
12 election."

13 Section 36. Section 13-2-401, MCA, is amended to read:

14 "13-2-401. Cancellation of registry registration for
15 failure to vote -- reregistration. (1) Except as provided in
16 subsection (3), within 60 days after every general election
17 in which a president is elected, the registrar elections
18 administrator shall:

19 (a) ~~compare the electors who have voted in each~~
20 ~~precinct as shown by the official pollbooks with the~~
21 ~~official register of each precinct~~ cancel the registration
22 of the electors who have not voted in each precinct as
23 shown by the official pollbook and precinct register of each
24 precinct;

25 (b) ~~remove the registry cards of all electors who have~~

1 ~~failed to vote; mark each card "canceled" and place~~
2 ~~canceled cards for the entire county in alphabetical order~~
3 ~~in the canceled file; mark the form of each elector whose~~
4 ~~registration has been canceled; and~~

5 (1) place canceled forms for the entire county in
6 alphabetical order in the canceled file.

7 (2) An elector whose card registration is removed and
8 canceled may register reregister in the same manner as his
9 original registration were made if he was registering for
10 the first time.

11 (3) The registration of an elector who actually votes
12 by absentee ballot but whose ballot does not arrive in time
13 to be counted shall may not be canceled if his ballot is
14 received and rejected by the registrar elections
15 administrator within 10 days succeeding the election.

16 (4) When the registrar elections administrator has
17 completed cancellation of voters the electors' registration
18 as provided in this section, a notice of cancellation shall
19 be published on radio or television as provided in 2-3-105
20 through 2-3-107 or in a newspaper of general circulation in
21 the county once a week for 2 weeks in a newspaper of general
22 circulation in the county. The notice shall be run ROP in a
23 display advertisement (known as ROP in the trade) if in a
24 newspaper or as an announcement if on radio or television
25 and shall be in a form prescribed by the secretary of state.

1 The names of those electors whose registration has been
2 cancelled need not be published."

3 Section 37. Section 13-2-402, MCA, is amended to read:

4 "~~13-2-402. Cancellation of registration for other~~
5 ~~Other~~ reasons for cancellation. The registrar election
6 administrator shall cancel any the registration card of any
7 elector:

8 (1) at the written request of the person registered
9 elector;

10 (2) if a certificate of the death of any elector is
11 filed or if an elector is reported as deceased by the
12 department of health and environmental sciences in the
13 department's reports submitted to the county under
14 72-16-217;

15 ~~(3) whenever 45 days or more prior to the closing of~~
16 ~~registration, three qualified registered electors residing~~
17 ~~within the precinct challenge on elector by filing~~
18 ~~affidavits giving the name of the challenged elector, his~~
19 ~~registry number, his residence, and stating of the person's~~
20 ~~knowledge of the affiant the person registered does not~~
21 ~~reside at the place designated on his registration card;~~

22 ~~(4) whenever if the insanity of the elector is~~
23 ~~legally established to be of unsound mind;~~

24 ~~(5) whenever if the incarceration of an elector in~~
25 ~~a penal institution for a felony conviction is legally~~

1 established; or

2 ~~(6) whenever if a certified copy of a court order~~
3 ~~directing the cancellation is filed with the registrar~~
4 ~~election administrator;~~

5 ~~(6) if an elector is successfully challenged and not~~
6 ~~allowed to vote at an election as provided in 13-13-308; or~~

7 ~~(7) if a notice is received from another county or~~
8 ~~state that the elector has registered in that county or~~
9 ~~state."~~

10 Section 38. Section 13-2-403, MCA, is amended to read:

11 "~~13-2-403. Notification of elector reregistration~~
12 ~~Challenge of registration. Within 30 days after registration~~
13 ~~has been cancelled, the registrar shall send written notice~~
14 ~~to the elector at the address shown on the registration~~
15 ~~card, if a person proves to the registrar that he is~~
16 ~~qualified, he may reregister.~~ (1) Forty-five or more days
17 before the close of registration for an election, three
18 registered electors of a precinct may challenge the
19 registration of an elector by filing affidavits giving the
20 name of the elector whose registration is challenged, the
21 address at which he is registered, and a statement that the
22 affiant has personal knowledge that the elector does not
23 reside at the address where registered.

24 (2) No later than 3 days after the filing of
25 affidavits as provided in subsection (1), the election

~~1 administrator must send written notice to the elector whose~~
~~2 registration is challenged, at the address shown on the~~
~~3 registration form. The notice must state that registration~~
~~4 will be cancelled within 15 days of the filing of the~~
~~5 affidavits unless the elector refutes the affidavits by~~
~~6 submitting proof or a sworn statement that he resides at the~~
~~7 address given on his registration form.~~

~~8 (3) The election administrator must cancel the~~
~~9 registration of an elector whose registration is challenged~~
~~10 under this section 15 days after the filing of the~~
~~11 affidavits required in subsection (1) unless proof or a~~
~~12 sworn statement as required in subsection (2) is received.~~

~~13 (4) If an elector proves or swears he resides at the~~
~~14 address given on his registration form after his~~
~~15 registration has been cancelled as provided in this section,~~
~~16 he may reregister by completing a new registration form.~~
~~17 Such registration shall be effective for the next election~~
~~18 even though the registration for that election is closed.~~

Section 39. Section 13-2-404, MCA, is amended to read:

"13-2-404. Challenges prior to election. (1) If an
 elector ~~may challenge the qualifications of~~ believes another
 elector ~~fails to meet the qualifications required in~~
~~13-1-111, he may challenge the right of that elector to vote~~
 any time not later than 20 days prior to an election. The
 challenge must:

(a) be filed with the ~~registrer~~ election administrator
 and be signed by the elector;

(b) be verified by the affidavit of the elector that
 the elector designated is not entitled to vote;

(c) state the grounds of the challenge, objection, and
 disqualification.

(2) The ~~registrer~~ election administrator shall:

(a) file the affidavit of challenge in his office;

(b) deliver a correct copy of the affidavit to the
 judges of election, together with ~~a copy of~~ the precinct
~~registers, checklists, and other documents~~ register;

(c) write in the precinct register opposite beside the
 name of any person individual whose qualifications are
 challenged the words, "to be challenged";

(d) notify the elector within 5 days by certified or
 registered mail that his qualifications as an elector have
 been challenged."

Section 40. Section 13-2-501, MCA, is amended to read:

"13-2-501. Transferring registration ~~to--another~~
~~precinct or changing name. If--an--elector--changes--his~~
~~residence--he--may--transfer--his--registration--to--the--new~~
~~precinct--by--~~

~~(1)--executing--in--person--a--new--registry--card--before--a~~
~~deputy--registrar--of--the--new--precinct--and--the--deputy~~
~~registrar--shall--not--receive--compensation--for--this--service~~

1 or
 2 ~~(2) making a request in writing to the registrar in a~~
 3 ~~form prescribed by the secretary of state. An elector shall~~
 4 ~~notify the election administrator of a change in residence~~
 5 ~~within the county or a change in name by using a transfer~~
 6 ~~form provided by the election administrator or by completing~~
 7 ~~the changed information on a registration or mail~~
 8 ~~registration form. The form must be signed and affirmed or~~
 9 ~~verified as required on the form. If a registration or mail~~
 10 ~~registration form is used, it must be clearly marked "for~~
 11 ~~transfer of address" or "for change of name" in a space~~
 12 ~~provided on the form for that purpose."~~

13 **NEW SECTION.** Section 41. Right to vote when precinct
 14 or name changed. (1) An elector who has changed his
 15 residence to a different precinct within the same county and
 16 has failed to notify the election administrator of the
 17 change by a transfer or new registration form may vote in
 18 the precinct where he is registered at the first election at
 19 which he offers to vote after the change unless his
 20 registration has been cancelled as provided in [section 30],
 21 13-2-401, or 13-2-402.

22 (2) An elector still residing in the same precinct
 23 where registered whose name has changed and who has failed
 24 to notify the election administrator of the change by a new
 25 registration form may vote under his former name at the

1 first election at which he offers to vote after the change
 2 unless his registration has been cancelled as provided in
 3 [section 30], 13-2-401, or 13-2-402.

4 (3) The elector must state his correct residence
 5 address and name when offering to vote and must complete a
 6 transfer form or new registration form to make the necessary
 7 correction before being allowed to sign the precinct
 8 register and vote.

9 Section 42. Section 13-2-502, MCA, is amended to read:
 10 "13-2-502. Procedure for transferring registry
 11 registration. ~~(1) When a request to transfer registry is~~
 12 ~~received, the registrar shall compare the elector's~~
 13 ~~signature on the request with his signature on the registry~~
 14 ~~card and may question the elector on any information shown~~
 15 ~~on the registry card.~~

16 ~~(2) If the registrar is satisfied, he shall endorse on~~
 17 ~~the registry card the date of the transfer and the precinct~~
 18 ~~to which transferred.~~

19 ~~(3) The registrar shall file the registry card in the~~
 20 ~~register of the precinct of the elector's residence or in~~
 21 ~~the register of the precinct of transfer and transfer the~~
 22 ~~elector's name to the proper precinct in the register.~~

23 ~~(4) Where the elector changes his place of~~
 24 ~~registration as provided in 13-2-501(1), the registrar shall~~
 25 ~~file the new card in the register of the precinct of the~~

1 ~~elector's present residence and transfer the elector's name~~
 2 ~~to the proper precinct in the register. The old registration~~
 3 ~~card shall be marked "canceled" and placed in the canceled~~
 4 ~~file. The election administrator shall make the necessary~~
 5 ~~corrections in the registration records in his office when~~
 6 ~~he receives a transfer form or corrected registration form~~
 7 ~~if he is satisfied the form is valid. The original~~
 8 ~~registration form may be fastened to the back of the new~~
 9 ~~form, in which case the original and current forms must be~~
 10 ~~retained, or the original registration form may be marked~~
 11 ~~"canceled" and filed in a canceled file."~~

12 NEW SECTION. Section 43. Change of residence to
 13 another county. (1) An elector who changes his residence to
 14 a different county within this state must register in his
 15 new county of residence in order to vote in any election
 16 unless the change occurs less than 45 days before the
 17 election.

18 (2) An elector who changes his residence to a
 19 different county 45 days or less before an election may vote
 20 in person or by absentee ballot in the precinct and county
 21 where previously registered.

22 (3) The elector must state his correct name and
 23 residence address and date of residence change when offering
 24 to vote or when applying for an absentee ballot. The
 25 election administrator shall note the information on the

1 elector's registration form if an absentee ballot
 2 application is received. The election judges shall note the
 3 change of address and date of residence change in the
 4 precinct register if the elector votes in person.

5 (4) The registration of an elector who votes under the
 6 provisions of subsection (2) of this section shall be
 7 cancelled after the election.

8 Section 44. Section 13-2-503, MCA, is amended to read:

9 "13-2-503. Inquiry as to previous registration —
 10 procedure notices of changes. (1) ~~The registrar shall~~
 11 ~~question each person registering to ascertain whether he has~~
 12 ~~previously registered in this state. If the person has~~
 13 ~~previously registered, the registrar shall enter his name in~~
 14 ~~a separate file which is indexed by counties. Cards for this~~
 15 ~~purpose shall be in the form prescribed by the secretary of~~
 16 ~~state. The election administrator shall check each new~~
 17 ~~registration to ascertain whether the elector has listed~~
 18 ~~previous registration in another county of this state or~~
 19 ~~another state. If the elector has been previously~~
 20 ~~registered, the election administrator shall enter his name~~
 21 ~~on a notice or may photocopy the registration form.~~

22 (2) ~~Not more than 3 days after closing the~~
 23 ~~registration books, the registrar shall forward the cards~~
 24 ~~by registered or certified mail to the registrar where the~~
 25 ~~applicant previously voted. The delivery receipt shall be~~

~~kept on file with other election records. At least once a week and not more than 3 days after the close of registration, the election administrator shall forward the notices or photocopies for counties in this state to the election administrator of the county where the elector was previously registered. A list or other record shall be kept of notices or photocopies sent.~~

~~(3) Upon receiving notice to cancel the registration of an elector, the registrar shall immediately draw red lines through the elector's name in the register and on the registration card. Once a month and not more than 3 days after the close of registration, the election administrator shall forward the notices or photocopies from other states to the secretary of state or chief election official of the state where the elector was previously registered. A list or other record shall be kept of notices or photocopies sent."~~

Section 45. Section 13-2-601, MCA, is amended to read:

"13-2-601. Name on precinct register prima facie evidence of right to vote. A person an elector may not vote at an election mentioned in this title unless his name appears on election day in the copy of the official precinct register furnished by the registrar election administrator to the election judges. The fact that his name appears in the copy of the precinct register is prima facie evidence of his right to vote."

Section 46. Section 13-2-603, MCA, is amended to read:

"13-2-603. Erroneous omission of name from precinct register. (1) An elector whose name is erroneously omitted from a precinct register or other election register may secure from the registrar election administrator a certificate of the error, stating the precinct in which he is entitled to vote, and present the certificate which will entitle him to vote to the election judges.

(2) The certificate shall be marked "voted" by the election judges and returned by them with the precinct register.

(3) If the elector's polling place is not located in the city where the election administrator's office is located, the elector may vote by signing an oath that his name was erroneously omitted if the election administrator can confirm such omission by telephone to the chief election judge of the precinct."

Section 47. Section 13-3-101, MCA, is amended to read:

"13-3-101. Establishment of election precincts. (1) The territorial unit for elections is the election precinct. All election precincts shall be designated by numbers, names, or both.

(2) The commissioners governing body of each county shall establish a convenient number of election precincts, equalizing the number of electors in each precinct as nearly

1 as possible."

2 Section 48. Section 13-3-102, MCA, is amended to read:

3 "13-3-102. Precinct Change of precinct boundaries. (1)
4 The commissioners county governing body may change the
5 boundaries of precincts, but not between ~~January 1 and~~
6 ~~December 1 in any year during which a general biennial~~
7 ~~election will be held except that the commissioners may~~
8 ~~change the boundaries of precincts in the year during which~~
9 ~~a general biennial election will be held when within 100~~
10 days before any primary or between a general election and
11 the primary for that election. When the changes are required
12 to make precinct boundaries conform to legislative district
13 boundaries following the adoption of ~~reapportionment plans a~~
14 districting and apportionment plan under Article V, section
15 14, of the 1972 Montana constitution or other district
16 boundaries changed by the districting and apportionment
17 plan. In ~~those instances,~~ the changing of precinct
18 boundaries must be accomplished within ~~60~~ 45 days of the
19 filing of the final reapportionment plan.

20 (2) All changes must be certified to the registrar
21 election administrator 3 days or less after the change is
22 made.

23 (3) The ~~boundaries of election precincts may conform~~
24 ~~to the words of cities of the first, second, and third class~~
25 ~~and the boundaries of first class school districts~~

1 officials responsible for preparing a districting and
2 apportionment plan shall consider the problems of conforming
3 present precinct boundaries to the new districts as well as
4 existing boundaries of wards, school districts, and other
5 districts. The election administrator of counties involved
6 in the plan shall be consulted before adoption of the final
7 plan."

8 Section 49. Section 13-3-103, MCA, is amended to read:

9 "13-3-103. Certification of boundary changes. (1) Not
10 more than 10 days after an order of the commissioners
11 governing body has established or changed the boundaries of
12 an election precinct, the commissioners governing body shall
13 cause to be prepared and delivered to the election
14 administrator a written legal description and a map to the
15 registrar showing the borders of all precincts and school
16 districts in which elections are held within the county.

17 (2) Not more than 10 days after ward boundaries school
18 district or other election district boundaries have been
19 changed, the ~~city council must~~ governing body making the
20 change shall certify any changes or ~~alteration~~ alterations
21 in the ward boundaries to the registrar election
22 administrator and deliver to him a written legal description
23 and a map showing boundaries of the wards, the ~~streets~~
24 ~~avenues and alleys by name and the words by numbers~~ school
25 districts, or other election districts. The map must be

sufficiently detailed to clearly identify the wards or districts and the territory included in each."

Section 50. Section 13-3-104, MCA, is amended to read:

"13-3-104. Precincts, end wards, and election districts. (1) A ward or school election district may be divided into two or more precincts, and a precinct may be divided into two or more polling places.

(2) ~~In cities not of the first, second, or third class, precincts may include two or more wards or may comprise territory included by one or more wards together with contiguous territory lying outside the incorporated limits of the cities.~~ Precincts may include two or more wards or election districts, together with contiguous territory lying outside the municipality or district, if provision can be made for clearly identifying the electors eligible to vote in each ward or district."

Section 51. Section 13-3-105, MCA, is amended to read:

"13-3-105. Designation of polling place. (1) The commissioners county governing body shall make an order designating ~~designate~~ the polling place for each precinct at the session at which election judges are appointed. Such order may provide for polling places to be located outside the boundaries of the precinct no later than 30 days before a primary election. The same polling place shall be used for both the primary and general election if at all

possible. Changes may be made by the governing body in designated polling places up to 10 days before an election if a designated polling place is not available. Polling places may be located outside the boundaries of a precinct.

(2) Not more than 10 or less than 32 days before an election, the registrar or city clerk election administrator shall publish in a newspaper of general circulation in the county, a statement of the locations of the precinct polling places. Notice may also be given as provided in 2-3-105 through 2-3-107.

(3) An election administrator may make changes in the location of a polling place if an emergency occurs 10 days or less before an election. Notice shall be posted at both the old and new polling places, and other notice may be given by whatever means available."

Section 52. Section 13-4-101, MCA, is amended to read:

"13-4-101. Appointment of election judges end clerks -- second board of election judges. (1) ~~At their regular meeting next preceding a general primary election, the commissioners shall appoint five election judges and two clerks for each precinct having 200 or more electors and three election judges and two clerks for each precinct having less than 200 electors. Judges for new precincts shall be appointed based upon the estimated number of electors.~~

~~(2) If a precinct has 358 or more electors, the commissioners may appoint a second board of five election judges and two clerks who shall have the same qualifications as the first board. At least 30 days before the primary election in even-numbered years, the county governing body shall appoint 3 or more election judges for each precinct, one of whom shall be designated chief judge.~~

~~(2) A second board of election judges, designated as a counting board, may be appointed in any precinct if recommended by the election administrator."~~

~~NEW SECTION. Section 53. Qualifications of election judges. (1) Election judges shall be registered electors of the county and of the precinct in which they serve, except as provided in [subsection (4) of section 54].~~

~~(2) No election judge may be a candidate or a spouse, ascendent, descendent, brother, or sister of a candidate or a candidate's spouse or the spouse of any of these in an election precinct where the candidate's name appears on the ballot. However, this does not apply to candidates for precinct offices.~~

~~Section 54. Section 13-4-102, MCA, is amended to read:~~

~~"13-4-102. Manner of choosing election judges and clerks. (1) The election Election judges and clerks shall be chosen from lists of qualified voters submitted by the two major political parties 35 days or more before the~~

~~commissioners meeting which precedes the next primary election registered electors for each precinct in the county, submitted at least 45 days before the primary election in even-numbered years by the county central committees of the political parties eligible to nominate candidates in the primary.~~

~~(2) The list of each party may contain twice the number more names than the number of election judges and clerks to be appointed, and not more than a majority may be appointed from one political party for each precinct. Judges so appointed must be a member of the political party they are to represent. The names of those not appointed as election judges shall be given to the election administrator for use in making appointments to fill vacancies.~~

~~(3) The commissioners in their discretion may appoint election judges and clerks to fill vacancies or if a major political party fails to submit a list of election judges. Each board of election judges shall contain judges representing all parties that have submitted lists as provided in subsection (1). No more than a majority may be appointed from the list of one political party in each precinct. If any of the political parties entitled to do so fail to submit a list, the governing body shall, insofar as possible, appoint judges so that all parties eligible to participate in the primary are represented on each board.~~

1 (4) No person shall be appointed to serve as an
 2 election judge or election clerk who is a candidate's spouse
 3 of a candidate or related to a candidate for office within
 4 the second degree of consanguinity. However, this
 5 subsection does not apply to school district elections or to
 6 candidates for precinct committeeman or committeewoman. The
 7 election administrator shall make appointments to fill
 8 vacancies from the list provided for in subsection (2), or
 9 if the list is insufficient, any qualified registered
 10 elector from the county may be appointed."

11 Section 55. Section 13-4-103, MCA, is amended to read:

12 "13-4-103. Judges and clerks to serve until others
 13 appointed. (1) The election judges and clerks continue to be
 14 judges of all elections held in their precincts until other
 15 judges and clerks are appointed.

16 (2) The commissioners shall fill vacancies which occur
 17 in the office of election judge or clerk."

18 Section 56. Section 13-4-104, MCA, is amended to read:

19 "13-4-104. Registrar Election administrator to notify
 20 judges and clerks. The registrar election administrator must
 21 notify the election judges and clerks in writing of their
 22 appointment and of the time set for instruction sessions."

23 Section 57. Section 13-4-105, MCA, is amended to read:

24 "13-4-105. Oath of judges and clerks. Before votes are
 25 cast, the election judges and clerks must take and subscribe

1 the official oath prescribed by the constitution. The
 2 election judges may administer the oath to each other and to
 3 the clerks."

4 Section 58. Section 13-4-106, MCA, is amended to read:

5 "13-4-106. Compensation of judges and clerks. The
 6 compensation of election (1) Election judges and clerks
 7 shall be fixed by paid the commissioners at the prevailing
 8 federal minimum wage and be paid from county funds. The
 9 commissioners shall audit the accounts for the number of
 10 hours worked during an election plus the number of hours
 11 spent at the instruction session. Mileage may be paid to
 12 election judges for attending instruction sessions.

13 (2) The chief election judge may be reimbursed for the
 14 actual expenses of transporting election materials.

15 (3) The election administrator shall certify the
 16 amount due each election judge to the county governing body
 17 as soon after an election as all records necessary for such
 18 certification are received."

19 Section 59. Section 13-4-201, MCA, is amended to read:

20 "13-4-201. Notice of elections Duties of chief
 21 election judge. (1) Twenty days or more before any general
 22 election, the registrar shall mail two notices of the
 23 election to the election judges. The notices shall be in the
 24 form prescribed by the secretary of state.

25 (2) Ten days or more prior to the election, the

~~election judges shall post one notice at the place where the election will be held and the other in one of the most public places in the precinct. The chief election judge shall be responsible for the conduct of the proceedings in the polling place, shall assign duties to other members of the board of election judges, and shall be responsible for the return of all ballots and election supplies to the election administrator.~~

Section 60. Section 13-4-202, MCA, is amended to read:

"13-4-202. Administration of oaths. Any election judge or a clerk may administer and certify oaths required during an election."

Section 61. Section 13-4-203, MCA, is amended to read:

"13-4-203. Instruction of judges and clerks -- training materials. (1) Before each election, all election judges and clerks who do not possess a current certificate of instruction shall be instructed by the election administrator or a person named by the commissioners in the powers, duties, and liabilities of election judges. In precincts where voting machines or devices are used, instructions shall cover both machines or devices and paper ballots.

(2) The instructor shall call meetings as necessary. Chief judges may be required to attend the training session before each election, as well as a special session that may

be held for chief judges only.

(3) The election judges and clerks shall attend each meeting and receive at least 2 hours of instruction. Any individual willing to be appointed an election judge may attend an instruction session by registering with the election administrator. Such individuals may not be paid for attendance unless they are appointed election judges.

(4) Each election judge and clerk shall receive compensation fixed by the commissioners at the prevailing federal minimum wage for instruction to be paid at the same time and in the same manner as for services on election days. The secretary of state shall prepare and distribute training materials for election judges. The materials shall include instructions on the use of all machines or devices approved for use in this state, as well as paper ballots. Enough copies of the materials to supply all election judges in the county and provide a small extra supply shall be sent to each election administrator. The secretary of state shall hold at least one workshop every 2 years to instruct election administrators and their staffs in use of the materials. Workshops may be held in various locations around the state. Costs of the materials and workshops shall be paid by the secretary of state.

(5) Each judge and clerk shall receive a certificate of completion from the instructor upon completion of the

1 ~~course--Each--certificate-is-valid-for-a-period-of-2-years--~~
 2 ~~Each election judge completing a training session shall be~~
 3 ~~given a certificate of completion. No individual may serve~~
 4 ~~as an election judge without a valid certificate. However,~~
 5 ~~this does not apply to individuals filling vacancies in~~
 6 ~~emergencies.~~

7 (6) ~~No person shall serve as election judge or clerk~~
 8 ~~without a valid certificate. However, this does not apply to~~
 9 ~~persons--filling--vacancies--in--emergencies. All certificates~~
 10 ~~of completion expire 30 days before the primary election in~~
 11 ~~even-numbered years.~~

12 (7) Notice of place and time of instruction must be
 13 given by the commissioners election administrator to the
 14 county chairmen of the ~~two major~~ political parties."

15 NEW SECTION. Section 62. Judges to remain at polls --
 16 emergency provisions. (1) Election judges may not leave the
 17 premises on which the polling place is located during the
 18 hours they are assigned to work unless permission to leave
 19 is given by the chief election judge for that precinct.
 20 Permission may be granted only for illness or a family
 21 emergency.

22 (2) A chief election judge must obtain the permission
 23 of the election administrator to leave the polling place
 24 premises because of illness or an emergency. If the chief
 25 judge is excused, the election administrator shall appoint

1 one of the other judges to act as chief election judge.

2 (3) The time of departure and reason for leaving shall
 3 be entered near the oath form subscribed by the election
 4 judge or on a form provided by the election administrator.
 5 The chief election judge shall sign the entry.

6 (4) The election administrator may appoint a judge to
 7 replace an excused judge.

8 Section 63. Section 13-10-201, MCA, is amended to
 9 read:

10 "13-10-201. Declaration of for nomination. (1) Each
 11 candidate in the primary election, ~~except nonpartisan~~
 12 ~~candidates filing under the provisions of chapter 14,~~ shall
 13 send a declaration of for nomination to the secretary of
 14 state, ~~registry or city clerk election administrator.~~
 15 Each candidate for governor ~~must~~ shall send a joint
 16 declaration of for nomination with a candidate for
 17 lieutenant governor.

18 (2) A declaration for nomination shall be filed in the
 19 office of:

20 (a) the secretary of state for a congressional office,
 21 state or district office to be voted for in more than one
 22 county, member of the legislature, or judge of the district
 23 court;

24 (b) the election administrator for a county,
 25 municipal, precinct, or district office (other than a member

~~of the legislature or judge of the district court) to be
voted for in only one county.~~

~~(2)(3)~~ Each candidate ~~must~~ shall sign the declaration and send with it the required filing fee or, in the case of a ~~an indigent~~ candidate who cannot afford the filing fee, send with it the documents required ~~in lieu of a filing fee~~ by 13-10-203. The declaration of ~~for~~ nomination shall be acknowledged by ~~a notary public~~ an officer empowered to acknowledge signatures if sent by mail or by the officer of the office at which the filing is made.

~~(3)(4)~~ The declaration, when filed, is conclusive evidence that the elector is a candidate for nomination by his party.

~~(4)--Nominating declarations are filed:~~

~~(a)--in the office of secretary of state for congressional offices, state or district offices to be voted for in more than one county, members of the legislature and judges of the district court;~~

~~(b)--in the office of the registrar for county and district offices to be voted for in only one county, other than a legislator or a judge of the district court and for precinct offices;~~

~~(c)--in the office of the city clerk for all city officers;~~

(5) The declaration for nomination shall be in the

form and contain the information prescribed by the secretary of state. ~~Every declaration must be signed by the elector seeking nomination. The secretary of state and election administrator shall furnish declaration for nomination forms to individuals requesting them.~~

(6) ~~Nominating~~---declarations Declarations for nomination shall be filed no sooner than the first business day in January of an election year for that office and not no later than 5 p.m., 40 50 days before the date of the primary election."

Section 64. Section 13-10-202, MCA, is amended to read:

"13-10-202. Filing fees. Filing fees are as follows:

(1) for offices having an annual salary of ~~\$1,000~~ \$2,500 or less, ~~\$10~~ except and candidates for the legislature, must pay \$15;

(2) for offices having an annual salary of more than ~~\$1,000~~ \$2,500, 1% of the total annual salary;

~~(3)--for the office of county commissioner;~~

~~(a)--in counties of the first class--\$40;~~

~~(b)--in counties of the second class--\$35;~~

~~(c)--in counties of the third class--\$30;~~

~~(d)--in counties of the fourth class--\$25;~~

~~(e)--in counties of other classes--\$10;~~

(3) for offices in which compensation is paid in fees.

1 \$10;

2 (4) ~~for offices in which compensation is paid in fees;~~
3 ~~\$5; for officers of political parties, presidential~~
4 ~~electors, and officers who receive no salary or fees, no~~
5 ~~filing fee is required.~~

6 ~~(5) for state, county, and precinct committeemen~~
7 ~~delegates to national conventions, and presidential~~
8 ~~electors, no fees are required."~~

9 Section 65. Section 13-10-203, MCA, is amended to
10 read:

11 "13-10-203. Indigent candidates. If ~~a person~~ an
12 individual is unable to pay a filing fee, the filing officer
13 shall accept the following documents in lieu of a filing
14 fee:

15 (1) from a successful write-in candidate, a verified
16 statement that he is unable to pay the filing fee;

17 (2) from a candidate for nomination, a verified
18 statement that he is unable to pay the filing fee and a
19 written petition for nomination as a candidate that meets
20 the following requirements:

21 (a) contains the name of the office to be filled, and
22 the candidate's name, and residence, ~~occupation, and~~
23 business address;

24 (b) ~~is signed by~~ contains signatures numbering 5% or
25 more of the total vote cast for the successful candidate for

1 the same office at the next last preceding general election;
2 and

3 (c) ~~is signed by the~~ signatures are those of electors
4 residing within the political ~~division~~ subdivision of the
5 state in which the candidate petitions for nomination; and

6 ~~(d) the signatures have been certified by the~~
7 appropriate election administrator by the procedure provided
8 in 13-27-303 and 13-27-304."

9 Section 66. Section 13-10-204, MCA, is amended to
10 read:

11 "13-10-204. Write-in nominations. ~~A person~~ An
12 individual nominated by having his name written in on the
13 primary ballot and desiring to accept the nomination may not
14 have his name printed on the general election ballot unless
15 he:

16 (1) files with the secretary of state, ~~registrar or~~
17 election administrator no later than city clerk, within at
18 least 10 days after the primary official canvass, a written
19 declaration indicating his acceptance of the nomination;

20 (2) pays the required filing fee or, if indigent,
21 complies with 13-10-203;

22 (3) received at least 5% of the total votes cast for
23 the successful candidate for the same office at the last
24 preceding general election; and

25 (4) complies with the provisions of 13-37-126."

1 Section 67. Section 13-10-205, MCA, is amended to
2 read:

3 "13-10-205. Register of candidates. ~~{t}~~ The secretary
4 of state~~y~~---registr~~ar~~y and city~~---clerk~~ the election
5 administrator shall each keep a "Register register of
6 Candidates---for---Nomination---at---the---Primary---Nominating
7 Election" candidates who file with their respective offices.

8 The entries~~-in-the~~ register shall contain~~-on-separate--pages~~
9 ~~for-each-political-party~~*

10 ~~{a}--the--title--of--the-office-sought-and-the-name-and~~
11 ~~residence-of-each-candidate~~*

12 ~~{b}--the-name-of-his-political-party~~*

13 ~~{c}--the--date--of--receiving---the---declaration---for~~
14 ~~nomination-signed-by-the-candidate~~*

15 ~~{d}--other---information--as---may---oid---in-arranging-the~~
16 ~~official-ballots~~*

17 ~~{2}--Immediately-after-the--convess--of--votes--of--the~~
18 ~~primary--electiony--the-officer-shall-enter-in-the-register*~~

19 ~~{a}--the-date-of-entry~~*

20 ~~{b}--the-name-of-each-candidate-nominated~~*

21 ~~{c}--the-office-for-which-he-is-nominated; and~~

22 ~~{d}--the-name--of--the--party--making--the--nominations~~
23 provide a complete record of the requisite information
24 pertaining to all candidates in the primary and general
25 election. Information on ballot issues may also be included

1 in the register. The secretary of state shall prepare and
2 distribute a recommended format for the register."

3 Section 68. Section 13-10-208, MCA, is amended to
4 read:

5 "13-10-208. Arrangement~~---of---information---concerning~~
6 candidates Certificate of primary ballot -- printing ballot.

7 (1) Not more than 40 ~~50~~ days and not less than 32 ~~42~~ days
8 before the date of the primary election, the secretary of
9 state shall* certify to the election administrators the
10 names and designations of candidates, except as provided in
11 13-37-126, and any ballot issues as shown in the official
12 records of his office in the manner provided in 13-10-109
13 and chapter 12, part 2, of this title.

14 ~~{a}--arrange---all--names--and--information--concerning~~
15 ~~candidates-contained-in-the-valid--nominating--declarations~~*

16 ~~{b}--certify--the-arrangement-under-state-seal--file-it~~
17 ~~in-his-office--and-transmit-a--duplicate--by--registered--or~~
18 ~~certified-mail-to-each-registror~~*

19 ~~{c}--post--a--duplicate--in--a-conspicuous-place-in-his~~
20 ~~office-until--after--the-primary-elections~~*

21 (2) Not more than 30 ~~40~~ days and not less than 20 ~~30~~
22 days before the date of the primary election, the registr~~ar~~
23 or-city-clerk election administrator shall* certify the
24 names and designations of candidates, except as provided in
25 13-37-126, and any ballot issues as shown in the official

record of his office and have the official ballots printed in the manner provided in 13-10-209 and chapter 12, part 2, of this title.

(c) -- arrange -- as -- required -- by -- law -- the -- names -- and -- other information -- concerning -- the -- candidates -- and -- parties -- named -- in the -- valid -- nominating -- declarations -- which -- have -- been -- certified to -- him -- or -- filed -- with -- him;

(d) -- certify -- the -- arrangements -- file -- it -- in -- his -- office and -- post -- a -- duplicate -- in -- a -- conspicuous -- place -- in -- his -- office until -- after -- the -- primary;

(e) -- have -- colored -- sample -- ballots -- and -- the -- official ballots -- printed -- as -- required -- by -- law."

Section 69. Section 13-10-209, MCA, is amended to read:

"13-10-209. Arrangement of ballots. (1) At the Ballots for a primary there election shall be a ballot for each political party entitled to participate. Each ballot shall be printed on a separate sheet of white paper of the same size, folded, and securely fastened at the top, arranged and printed in the same manner and number as provided in chapter 12 for general election ballots, except there shall be separate ballots for each political party entitled to participate and separate nonpartisan and ballot issue ballots if necessary. The name of the political party shall be printed at the top of the separate ballot for that party

and need not be printed opposite each candidate's name.

(2) Candidates' names shall be arranged alphabetically by surnames under the offices and under the proper party designations. The names of the candidates for governor and lieutenant governor shall be arranged by the surname of the candidate for governor. When two or more persons are candidates for nomination for the same office, the registrar shall divide the ballot to provide a rotation of the names of the candidates as follows:

(a) -- Divide -- all -- county -- ballot -- forms -- into -- sets -- equal -- in number -- to -- the -- greatest -- number -- of -- candidates -- for -- nomination or -- election -- to -- any -- office;

(b) -- Arrange -- the -- sets -- so -- that -- candidates' -- names -- are rotated -- by -- removing -- one -- name -- from -- the -- top -- of -- the -- list -- for each -- nomination -- or -- office -- and -- place -- the -- name -- or -- number -- at the -- bottom -- of -- the -- list -- for -- each -- successive -- set -- of -- ballot forms -- however -- in -- printing -- ballots -- for -- use -- in -- any -- one precinct -- only -- one -- set -- shall -- be -- used -- and -- they -- shall -- be identical. It is not necessary to print a primary ballot for a political party which does not have candidates for more than half of the offices on the ballot if no more than one candidate files for nomination by that party for any of the offices on the ballot. The secretary of state shall certify that no primary election was is necessary for that party if such be is the case and shall certify or instruct the

1 election administrator to certify the names of the
2 candidates for that party for the general election ballot
3 only.

4 (3) ~~Ballots shall be printed on white paper in the~~
5 ~~form of the Australian ballot and the candidates of each~~
6 ~~party shall be printed on a separate ticket. The separate~~
7 ~~ballots for each party shall be the same size and color.~~
8 ~~The stubs of each set of party ballots shall bear the same~~
9 ~~number. The nonpartisan ballot may be a different size and~~
10 ~~color than the party ballots, but the stubs shall be~~
11 ~~numbered in the same order as the party ballots.~~

12 (4) If a ballot issue is to be voted on at a primary
13 election, it may be placed on the nonpartisan ballot or a
14 separate ballot. A separate ballot may be a different size
15 and color than the other ballots in the election, but the
16 stubs shall be numbered in the same order.

17 (5) Each elector shall receive a set of party ballots
18 and a nonpartisan and a ballot issue ballot if such ballots
19 are printed."

20 Section 70. Section 13-10-301, MCA, is amended to
21 read:

22 "13-10-301. Casting of ballot. (1) ~~After preparing his~~
23 ~~ballot, the elector shall detach it from the remaining~~
24 ~~tickets and fold it so that the face is concealed and the~~
25 ~~official stamp is seen.~~ Unless otherwise provided by law,

1 the conduct of the primary election, the voting procedure,
2 the counting, tallying, and return of ballots and all
3 election records and supplies, the canvass of votes, the
4 certification and notification of nominees, recounts,
5 procedures upon tie votes, and any other necessary election
6 procedures shall be at the same times and in the same manner
7 as provided for in the laws for the general election.

8 (2) ~~The elector shall fold the remaining tickets, vote~~
9 ~~the marked ballot without leaving the polling place, and~~
10 ~~deposit the remaining tickets in a separate box marked as~~
11 ~~the blank ballot box. At a primary election, the elector~~
12 ~~shall mark only one of the sets of party ballots. After~~
13 ~~marking any other ballots received other than the party~~
14 ~~ballots, the elector shall fold the marked and unmarked~~
15 ~~ballots separately in a manner so that the marks cannot be~~
16 ~~seen, the official stamp is visible on each ballot, and all~~
17 ~~stubs can be detached by an election judge.~~

18 (3) The elector shall hand the marked and unmarked
19 ballots separately to the election judge, identifying them
20 as marked and unmarked. If the judge determines the ballots
21 may be voted, he shall, in the presence of the elector:

22 (a) remove the stubs from all the ballots;
23 (b) deposit the unmarked ballot or ballots and all the
24 stubs in the stub and unmarked ballot box;
25 (c) and deposit the marked ballots in the voted ballot

1 ~~box.~~"

2 Section 71. Section 13-10-302, MCA, is amended to
3 read:

4 "13-10-302. Write-in votes for previously nominated
5 candidates. If an elector writes the name of a--person an
6 individual upon a primary party ballot and ~~when~~ the person's
7 individual's name appears as a candidate upon for the same
8 office on another party ballot, the ~~ballot vote~~ shall count
9 for the person individual only as a candidate of the party
10 upon whose ticket ~~ballot~~ his name is written and the votes
11 cast on the separate party ballots may not be added
12 together."

13 Section 72. Section 13-10-303, MCA, is amended to
14 read:

15 "13-10-303. Nominations upon by more than one ticket
16 party. If a--person an individual is nominated upon by more
17 than one ticket party, he shall not later than 10 days
18 after the election, ~~he shall~~ file written notification with
19 the secretary of state--registrars or city clerk of election
20 administrator indicating the party under which his name is
21 to appear upon the ballot for the general election, ~~and--if~~
22 If he fails to notify the proper officers, his name shall
23 appear under the party with whom his nominating declaration
24 for nomination was first filed if a declaration was filed.
25 If an individual did not file a declaration or acceptance of

1 nomination and fails to notify the proper officers, his name
2 shall be printed on the ballot without a party designation."

3 Section 73. Section 13-10-305, MCA, is amended to
4 read:

5 "13-10-305. Independent candidacy forfeits place on
6 ballot. This title does not preclude an elector from having
7 his--name--printed--upon--the--ballot--as--an--independent
8 candidate--and no candidate may have his name printed on
9 more--than--one--ticket. An individual who has filed as an
10 independent candidate forfeits his place on the general
11 election ballot as an independent candidate if he accepts a
12 write-in nomination for an office as provided in 13-10-'04."

13 Section 74. Section 13-10-311, MCA, is amended to
14 read:

15 "13-10-311. Election clerks--and judges' duties upon
16 closing of polls. ~~immediately after the polls are closed--at~~
17 ~~a--primary--election--the--election--clerks--and--judges--shall~~
18 ~~open the ballot boxes and~~

19 (1) count the ballots cast by each political party and
20 fasten the--ballots--cast--for--each--political--party--into
21 separate--fiftest The election judges at the primary election
22 shall separate the ballots for each political party and
23 count each party's ballots separately.

24 (2) take--the--tally--sheets--provided--by--the--registrar
25 and count the ballots for each political party. They shall

1 reconcile the total number of party ballots and the separate
 2 total number of other ballots used at the election with the
 3 number of electors voting. Any discrepancies in the
 4 reconciliations shall be handled as provided in
 5 13-15-201(3).

6 ~~(3) certify the number of votes cast for each~~
 7 ~~candidate for each office; Each party's candidates shall be~~
 8 ~~listed separately in the tally books.~~

9 ~~(4) place the counted ballots in the box. The voted~~
 10 ~~ballots of each party shall be bundled separately for return~~
 11 ~~to the election administrator. The unvoted ballots deposited~~
 12 ~~in the stub box shall be bundled with the stubs."~~

13 Section 75. Section 13-10-325, MCA, is amended to
 14 read:

15 "13-10-325. Declining Withdrawal from nomination.
 16 Twenty days or more before the election, a person nominated
 17 for public office may decline the nomination by a writing
 18 sent to the office with whom his nominating declaration is
 19 filed. In city elections, the declination shall be made 10
 20 days or more before the election. (1) A candidate for
 21 nomination or candidate for election to an office may
 22 withdraw from the election by sending a statement of
 23 withdrawal to the officer with whom his declaration,
 24 petition, or acceptance of nomination was filed. The
 25 statement must contain all information necessary to identify

1 the candidate and the office sought and the reason for
 2 withdrawal. It shall be sworn or affirmed before an officer
 3 empowered to administer oaths. A candidate may not withdraw
 4 later than 30 days before an election.

5 (2) Filing fees paid by the candidate may not be
 6 refunded."

7 Section 76. Section 13-10-326, MCA, is amended to
 8 read:

9 "13-10-326. Vacancy prior to primary election. If a
 10 vacancy occurs in the office of a candidate in case of death
 11 or removal from the state or district before the date of the
 12 primary, the vacancy shall be filled by the affected
 13 political party. (1) If a candidate for nomination for a
 14 partisan office dies or withdraws 40 days or more before the
 15 primary election, the affected political party may appoint
 16 someone to replace the candidate by the procedure provided
 17 in 13-10-327.

18 (2) If the death or withdrawal occurs less than 40
 19 days before the primary, the affected political party shall
 20 appoint a candidate after the primary as provided in
 21 13-10-327. If a candidate for that office for that party was
 22 not nominated at the primary election, this section does not
 23 allow a political party to appoint a candidate for an office
 24 if no candidate for nomination by that party filed for the
 25 office before the primary election."

1 Section 77. Section 13-10-327, MCA, is amended to
2 read:

3 "13-10-327. Vacancy after primary and prior to general
4 election. ~~When a vacancy occurs in the office of a candidate~~
5 ~~after the primary and before the general election in any~~
6 ~~district however constituted, the vacancy shall be filled as~~
7 ~~follows:~~

8 (1) ~~The vacancy shall be filled by a committee of~~
9 ~~three members selected from each county or district by the~~
10 ~~county central committees of the county or district of the~~
11 ~~affected political party. If a party candidate dies or~~
12 ~~withdraws after the primary and before the general election,~~
13 ~~the affected political party shall appoint someone to~~
14 ~~replace the candidate in one of the following ways:~~

15 (a) ~~For offices to be filled by the state at large,~~
16 ~~the state central committee shall make the appointment as~~
17 ~~provided by the rules of the party.~~

18 (b) ~~For offices to be filled in districts including~~
19 ~~more than one county, a committee appointed by the county~~
20 ~~central committees of all counties in the district shall~~
21 ~~make the appointment. Procedures for the appointment of the~~
22 ~~committee and making the appointment shall be provided in~~
23 ~~party rules.~~

24 (c) ~~For offices to be filled in counties,~~
25 ~~municipalities, or districts wholly within a county, the~~

1 ~~appointment shall be made under rules adopted by the county~~
2 ~~central committee.~~

3 (2) ~~The secretary of the committee shall transmit a~~
4 ~~certificate to the secretary of state with the information~~
5 ~~contained on the original certificate plus the cause of the~~
6 ~~vacancy, the name of the person nominated, the office to be~~
7 ~~filled, and the name of the person for whom the nomination~~
8 ~~was made. Appointments to fill vacancies must be made no~~
9 ~~later than 40 days before the election. A candidate may not~~
10 ~~officially withdraw 50 days or less before a general~~
11 ~~election. However, if a candidate for partisan office dies~~
12 ~~less than 40 days before the general election, the affected~~
13 ~~political party shall appoint a candidate within 5 days~~
14 ~~after being notified of the vacancy. The procedures~~
15 ~~provided in 13-12-204 shall be used to place the name of the~~
16 ~~appointee on the ballot if necessary.~~

17 (3) ~~When the certificate is filed with the secretary~~
18 ~~of state accompanied by the proper filing fees, he shall~~
19 ~~insert the name of the person nominated to fill the vacancy.~~
20 ~~The appointing committee shall send a certificate to the~~
21 ~~officer with whom a declaration for nomination for the~~
22 ~~office would be filed, with the information required on a~~
23 ~~declaration for nomination and the name of the candidate for~~
24 ~~whom the appointee is to be substituted. The appointee shall~~
25 ~~send a signed and acknowledged acceptance of the appointment~~

1 and the filing fee for the office.

2 (4) ~~if the secretary of state has certified the~~
3 ~~nominations to the registrars, he shall immediately certify~~
4 ~~to the registrars the name of the person nominated to fill~~
5 ~~the vacancy, the office to be filled, the party or political~~
6 ~~principle he represents, and the name of the person for whom~~
7 ~~the nominee is substituted. The officer receiving the~~
8 certificate of appointment, accompanied by a statement of
9 acceptance and the filing fee, shall certify the name of the
10 appointee for the ballot."

11 Section 78. Section 13-10-328, MCA, is amended to
12 read:

13 "13-10-328. Vacancy in governor or lieutenant governor
14 ~~candidate's candidacy. A vacancy in the position the death~~
15 or withdrawal of a candidate for governor or lieutenant
16 governor ~~shall~~ does not affect the candidacy of the other
17 joint candidate."

18 Section 79. Section 13-10-401, MCA, is amended to
19 read:

20 "13-10-401. Date of presidential primary. In the years
21 in which a president of the United States is to be elected,
22 a presidential preference primary election will be held on
23 the same day as the primary provided for in ~~13-1-105~~
24 [section 3]."

25 Section 80. Section 13-10-402, MCA, is amended to

1 read:

2 "13-10-402. Ballot. The regular party primary ballots
3 ~~provided for in 13-10-209~~ shall be used for the presidential
4 preference primary election. The presidential section of the
5 ballot shall be placed before any other section, national,
6 state, or local."

7 Section 81. Section 13-10-403, MCA, is amended to
8 read:

9 "13-10-403. ~~Ballot listings~~ Form of ballot. The
10 presidential preference ballot shall list all candidates
11 nominated in accordance with the provisions of this part and
12 shall, in addition, include a presidential ballot position
13 which shall be designated as "no preference" and a blank
14 write-in space."

15 Section 82. Section 13-10-405, MCA, is amended to
16 read:

17 "13-10-405. Submission and verification of petition.
18 Petitions of nomination for the presidential preference
19 primary election must be presented to the county clerk and
20 recorder election administrator of the county in which the
21 signatures are gathered. The ~~county clerk and recorder~~
22 election administrator must verify the signatures in the
23 manner prescribed in 13-27-303 through ~~13-27-306~~ 13-27-308
24 and must forward the petitions to the secretary of state.
25 The petitions must be submitted to the ~~clerk and recorder~~

1 elections administrator at least 30 days before the filing
2 deadline established in 13-10-201(6). No filing fee is
3 required."

4 Section 83. Section 13-10-501, MCA, is amended to
5 read:

6 "13-10-501. Certificates of Petition for nomination by
7 individuals or parties not appearing on preceding general
8 election ballot. (1) Except as provided in 13-10-504,
9 nominations for public office by an individual ~~independent~~
10 candidate or a political party which ~~did~~ does not appear on
11 ~~the ballot in the next preceding general election meet the~~
12 requirements of 13-10-601 may be made by executing a
13 certificate of petition for nomination.

14 (2) ~~The certificate must be in writing and contain:~~

15 ~~(a) the name of a candidate for the office to be~~
16 ~~filled;~~

17 ~~(b) his residence, his occupation, and his business~~
18 ~~address. The petition must contain the same information and~~
19 ~~the oath of the candidate required for a declaration for~~
20 ~~nomination.~~

21 (3) ~~If a certificate is filed by a political party~~
22 ~~which did not appear on the ballot in the next preceding~~
23 ~~general election, it must contain the party name and in five~~
24 ~~words or less the principle which such body represents. If a~~
25 ~~petition is filed by a political party, it must contain the~~

1 party name and, in five words or less, the principle which
2 such body represents.

3 (4) The form of the petition shall be prescribed by
4 the secretary of state, and he shall furnish sample copies
5 to the election administrators and on request to any
6 individual.

7 (5) Each sheet of a petition must contain signatures
8 of electors residing in only one county."

9 Section 84. Section 13-10-502, MCA, is amended to
10 read:

11 "13-10-502. Signature requirements for certificate
12 petition. (1) The ~~certificate of petition for~~ nomination
13 must be signed by electors residing within the state and
14 district or political division subdivision in which the
15 officer or officers are to be elected. Each elector ~~signing~~
16 ~~a certificate shall add to his signature his place of~~
17 ~~residence and his business address~~ signature line must
18 contain spaces for the signature, post-office address, and
19 printed last name of the signer.

20 (2) The number of signatures must be 5% or more of the
21 total vote cast for the successful candidate for the same
22 office at the next preceding last general election.

23 (3) If the office sought is a new office or the
24 boundaries of the district or political subdivision in which
25 the election is to be held have changed since the last

election for the office, the secretary of state shall determine the number of signatures required for a petition of nomination for that office."

Section 85. Section 13-10-503, MCA, is amended to read:

"13-10-503. Filing deadlines. Except--as--provided--in 13-10-504, such certificates shall be filed on or before the filing--deadline--for the primary election as established by laws. Certificates of nomination of candidates for--municipal offices--must--be--filed--with--the clerks of the respective municipal corporations not more than 30 days--and--not--less than 15 days--previous to the day of elections. (1) A petition for nomination, accompanied by the required filing fee, shall be filed with the same officer with whom other nominations for the office sought are filed. Petitions to be filed with the secretary of state must first be submitted, at least 1 week before the deadline for filing, to the election administrator in the county where the signer resides for verification and certification by the procedures provided in 13-27-303 through 13-27-306.

(2) Except as provided in 13-10-504, each petition shall be filed on or before the filing deadline for the primary election or for the special or general election if no primary election is scheduled."

Section 86. Section 13-10-504, MCA, is amended to

read:

"13-10-504. Independent or minor party candidates for president or vice president. A person (1) An individual who desires to run for president or vice president as an independent candidate or as a candidate of a party not qualified under 13-10-601 must file a certificate--of petition for nomination with the secretary of state 90 days prior to the date of the general election.

(2) The petition must first be submitted, at least 1 week before the deadline for filing, to the election administrator in the county where the signer resides for verification and certification by the procedures provided in 13-27-303 through 13-27-306.

(3) The certificate petition must have the signatures of electors equal to 5% or more of the total initial votes cast for the successful candidate for governor at the next preceding last general election. He must also--nominate--the required number of electors allowable to Montana and certify the--names--to--the--secretary--of--state. The names of the candidates for the required number of presidential electors allowable to Montana shall be certified to the secretary of state when the petition for nomination is filed."

Section 87. Section 13-10-505, MCA, is amended to read:

"13-10-505. Applicability. The provisions of Sections

1 ~~sections 13-10-501 through 13-10-504 shall not apply be used~~
 2 ~~to fill vacancies or to nominations-for-special-elections-or~~
 3 ~~to--fill--vacancies~~ nominate candidates in nonpartisan
 4 elections except as provided in [section 10]."

5 Section 38. Section 13-10-601, MCA, is amended to
 6 read:

7 "13-10-601. Parties ~~governed-by-chapter~~ eligible for
 8 primary election. Every political party which ~~received-3% or~~
 9 ~~more-of-the-total-vote-cast-for-governor--at-the-next~~
 10 ~~preceding-general-election-in-the-county-district-or-state~~
 11 ~~for-which-nominations-are-proposed-to-be-made~~ that had a
 12 candidate for a statewide office who received a total vote
 13 that was 5% or more of the total votes cast for the
 14 successful candidate for governor at the last general
 15 election shall nominate its candidate candidates for public
 16 office, in-the-county-district-or-state-under-this-chapter
 17 except for presidential electors, by a primary election as
 18 provided in this chapter."

19 Section 39. Section 13-10-604, MCA, is amended to
 20 read:

21 "13-10-604. Nominations for minor parties. Any
 22 political party that did ~~does~~ not receive-3% or more-of--the
 23 ~~total--vote-cast-for-governor--as-provided-in-13-10-601--and~~
 24 ~~any-new-political-party-about-to-be-formed~~ qualify under the
 25 provisions of 13-10-601 may make nominations for public

1 office as provided in 13-10-501 through 13-10-505."

2 Section 90. Section 13-12-101, MCA, is amended to
 3 read:

4 "13-12-101. Copies of election laws to be furnished.
 5 (1) The secretary of state shall publish copies of the
 6 election laws and laws which relate to elections. He shall
 7 transmit sufficient copies to each ~~registrars-The-registrar~~
 8 ~~shall~~ election administrator to furnish each election
 9 precinct in his county with two copies and to provide a
 10 small extra supply.

11 (2) The secretary of state shall, at the expense of
 12 the state, furnish the ~~county-clerk-and-the-city-and-town~~
 13 ~~clerks~~ election administrator with copies of the election
 14 laws relating to penalties, campaign practices, campaign
 15 finances, and contests contested elections. The public
 16 official with whom a candidate files a declaration, or
 17 certificate petition, or acceptance of nomination shall
 18 transmit one of--these--copies copy to the candidate. Such
 19 copies A copy shall also be furnished to any other person
 20 required to file a statement. Upon his own information or at
 21 the written request of any voter elector, the secretary of
 22 state shall provide a copy to any other individual who may
 23 be is a candidate or who ~~may otherwise be~~ is required to
 24 make a statement required by this title."

25 Section 91. Section 13-12-102, MCA, is amended to

read:

"13-12-102. Items to be furnished by commissioners election administrators. The commissioners election administrators shall:

(1) furnish pollbooks to each election precinct in a form prescribed by the secretary of state;

(2) furnish printed blanks for precinct registers, pollbooks, tally sheets, lists of electors, tickets, and returns, together with envelopes in which to enclose the returns;

(3) furnish for each polling precinct a ballot box or canvas pouch with a lock and key for the ballots and detached stubs;

(4) provide all poll lists, proclamations of elections, and other appropriate and necessary appliances for holding all elections in the county and allow reasonable charges therefor; and

(5) provide for the transmission and return of the same to the proper officers; deliver to each polling place or to the chief election judge for a polling place all supplies necessary to conduct the election at that polling place. If the blank ballots for the polling place are delivered before noon of the day before the election, the election administrator shall retain sufficient ballots to supply electors requesting absentee ballots. The election

administrator shall write in the pollbook for that polling place, after the numbers of the ballots retained, "reserved for absentee ballots".

Section 92. Section 13-12-201, MCA, is amended to read:

"13-12-201. Secretary of state to prescribe form of and certify ballot. The ballot shall be in a form prescribed by the secretary of state. (1) Before each election, the secretary of state shall prescribe the form for all ballots to be used in the election, including color, arrangement, category headings necessary for separation of types of offices, minimum type sizes, margins, spacing, and all other matters necessary to insure uniform ballots.

(2) Fifty days or more before an election, except as provided in 13-10-209, the secretary of state shall certify to the election administrators the name and party or other designation of each candidate entitled to appear on the ballot and ballot issues as shown in the official records of his office, which must include the notification specified in 13-37-126.

(3) The election administrator shall certify the name and party or other designation of each candidate entitled to appear on the ballot and ballot issues as shown in the official records of his office, which must include the notification specified in 13-37-126, and shall have the

1 official ballots printed."

2 Section 93. Section 13-12-202, MCA, is amended to
3 read:

4 "13-12-202. Uniformity--of--ballots Ballot form and
5 uniformity. (1) All official ballots must be uniform in size
6 and--printings--this--involves uniformity in the type of ink
7 used--which must be black--size of--paper--type of--white
8 paper--and arrangement of the paper. The secretary of state
9 shall prescribe the ballot form for all types of ballots
10 used in this state.

11 (2) The names of all candidates printed upon the
12 ballots shall be in type of the same size and character.

13 (3) When the stubs are detached, it must be impossible
14 to distinguish any one of the ballots from another ballot
15 for the same office or issue.

16 (4) The ballots must contain the name of every
17 candidate whose nomination is certified under law for a
18 ~~specific~~ an office and no other names, except that the names
19 of candidates for president and vice president of the United
20 States shall appear on the ballot as provided in
21 ~~13-25-102(1)~~ 13-25-101(2)."

22 Section 94. Section 13-12-203, MCA, is amended to
23 read:

24 "13-12-203. Printing of candidate's name and party
25 designation on ballot. (1) ~~Candidates'~~ names--shall--be

1 printed in one place on the ballot--with--the--name--of--the
2 party--or political organization--as found in the certificate
3 of nomination in not more than three words--printed opposite
4 the--name. Except as provided in 13-10-209 and 13-10-303, in
5 partisan elections, candidates' names shall be printed under
6 the title of the office sought, with the name of the party,
7 in not more than three words, or "Independent" printed
8 opposite the name.

9 (2) The--names--of--candidates--for--chief--justice,
10 associate--justices--and--district--court--judges--shall--be
11 followed--by--"nominated--without--party--designation". In
12 nonpartisan elections, the candidates' names shall be
13 printed under the title of the office sought, with no
14 description or designation printed with the name unless
15 partisan and nonpartisan offices appear on the same ballot,
16 in such a case, the names of nonpartisan candidates shall
17 have printed with them the words "Nominated without party
18 designation".

19 (3) If--a--person--is--nominated--for--the--same--office--by
20 more than one party, he shall file a written--election--with
21 the officer with whom he filed his declaration of nomination
22 in the time required to file the declaration--if he fails or
23 neglects--to--file--an election, his name shall appear under
24 the party with whom his--nominating--declaration--was--first
25 filed."

Section 95. Section 13-12-204, MCA, is amended to read:

"13-12-204. Posters Labels to be printed and distributed where vacancy has been filled. (1) If ~~a vacancy occurs after the printing of the ballots but before election and a person is nominated to fill the vacancy--the officer whose duty it is to have the ballots printed must print posters containing the name of the new nominee and mail them to the election judges by registered or certified letter~~ an appointment has been made to replace a candidate as provided in 13-10-326 or 13-10-327 after the ballots have been printed but before the election, the election administrator shall order labels printed containing the name of the new nominee and any other information required to go on the ballot.

(2) The election judges ~~administrator~~ shall affix the ~~posters over the substituted name labels~~ in the proper place on each ballot, or deliver the labels to the chief election judges to be affixed in the proper place on each ballot before it is given to the elector."

Section 96. Section 13-12-205, MCA, is amended to read:

"13-12-205. Arrangement of names -- rotation on ballot. (1) The candidates' names shall be arranged alphabetically on the ballot according to surnames under the

appropriate title of the respective offices.

(2) ~~The candidates of the two major parties shall appear on the ballot before and above candidates of minor parties and independent candidates. If two or more individuals are candidates for nomination or election to the same office, the election administrator shall divide the ballot forms into sets equal in number to the greatest number of candidates for any office. The candidates for nomination to an office by each political party shall be considered separately in determining the number of sets necessary for a primary election.~~

(3) ~~The parties whose candidates for governor--except independent candidates--received the highest number of votes at the next preceding four general elections shall constitute the two major political parties. The election administrator shall begin with a form arranged alphabetically and rotate so that each candidate's name will be at the top of the list for each office on substantially an equal number of ballots. If it is not numerically possible to place each candidate's name at the top of the list, the names shall be rotated in groups so that each candidate's name is as near the top of the list as possible on substantially an equal number of ballots.~~

(4) ~~If there is a tie in the number of first or second place votes, the determination shall be made by going back~~

1 to enough preceding elections to break the tie and no
 2 further. If the county contains more than one legislative
 3 district, the election administrator may rotate each
 4 candidate's name so that it will be at or near the top of
 5 the list for each office on substantially an equal number of
 6 ballots in each house district.

7 (5) All other candidates shall be designated as either
 8 independent candidates or as belonging to minor parties. For
 9 purposes of rotation, the offices of president and vice
 10 president and of governor and lieutenant governor shall be
 11 considered as a group.

12 (6) If two or more persons are candidates for election
 13 to the same office, the registrar shall divide the ballot
 14 forms into sets to provide a substantial rotation of the
 15 names of candidates as follows: No more than one of the sets
 16 may be used in printing the ballot for use in any one
 17 precinct, and all ballots furnished for use in any precinct
 18 must be identical.

19 (a) He shall divide the whole number of ballot forms
 20 for the county into sets equal in number to the greatest
 21 number of candidates for any office.

22 (b) He shall arrange the sets so that the names of the
 23 candidates beginning with a form arranged in alphabetical
 24 order are rotated by removing one name from the top of the
 25 list for each office and placing the name or number at the

1 bottom of the list for each successive set of ballot forms.
 2 (c) For the purposes of rotation, the office of
 3 president and vice president shall be considered as a group.
 4 (d) No more than one of the sets shall be used in
 5 printing the ballot for use in any one precinct, and all
 6 ballots furnished for use in any precinct shall be
 7 identical.

8 (e) Candidates of the two major parties shall be
 9 rotated so they appear on the ballot before and above any
 10 candidates of the minor parties or independent candidates."

11 Section 97. Section 13-12-207, MCA, is amended to
 12 read:

13 "13-12-207. Order of placement. (1) The order of
 14 offices on the ballot in the first column designated "STATE
 15 AND NATIONAL" for state and national offices shall be as
 16 follows:

17 (a) If the election is in a year in which a president
 18 of the United States is to be elected, in spaces separated
 19 from the balance of the party tickets by a heavy black line
 20 shall be the names and spaces for voting for candidates for
 21 president and vice president. The names of candidates for
 22 president and vice president for each political party shall
 23 be grouped together.

24 (b) United States senator;

25 (c) United States representative;

1 (d) Governor and lieutenant governor;
 2 (e) Secretary of state;
 3 (f) Attorney general;
 4 (g) State auditor;
 5 (h) Public service commissioners;
 6 (i) State superintendent of public instruction;
 7 (j) Clerk of the supreme court;
 8 (k) Chief justice of the supreme court;
 9 (l) Justices of the supreme court;
 10 (m) District court judges;
 11 (n) State senators;
 12 (o) Members of the house of representatives.
 13 (2) ~~In the column designated "COUNTY" the~~ The
 14 following order of placement shall be observed for county
 15 offices:
 16 (a) clerk of the district court;
 17 (b) county commissioner;
 18 (c) county clerk and recorder;
 19 (d) sheriff;
 20 (e) ~~county attorney~~ coroner;
 21 (f) county auditor attorney;
 22 (g) ~~other offices in the order designated by the~~
 23 ~~registrars~~ county superintendent of schools;
 24 (h) county auditor;
 25 (i) public administrator;

1 (j) county assessor;
 2 (k) county treasurer;
 3 (l) surveyor;
 4 (m) justice of the peace;
 5 (3) ~~In the third column constitutional amendments~~
 6 ~~shall be followed by referendum and initiative measures. The~~
 7 ~~secretary of state shall designate the order for placement~~
 8 ~~on the ballot of any offices not on the above lists, except~~
 9 ~~that the election administrator shall designate the order of~~
 10 ~~placement for municipal charters, consolidated, or~~
 11 ~~confederated local government offices and district offices~~
 12 ~~when the district is part of only one county.~~
 13 (4) ~~If any offices are not to be elected, they shall~~
 14 ~~not be designated but the order of offices to be filled~~
 15 ~~shall maintain their relative positions. Constitutional~~
 16 ~~amendments shall be placed before statewide referendum and~~
 17 ~~initiative measures. Ballot issues for a county,~~
 18 ~~municipality, school district, or other political~~
 19 ~~subdivision shall follow statewide measures in the order~~
 20 ~~designated by the election administrator.~~
 21 (5) ~~If there is a short-term and a long-term election~~
 22 ~~for the same office, the long-term office shall precede the~~
 23 ~~short-term. If any offices are not to be elected they shall~~
 24 ~~not be listed, but the order of the offices to be filled~~
 25 ~~shall be maintained.~~

(6) Above each group of candidates for each office shall be printed the words designating the particular office in boldface capital letters and directly underneath the words "VOTE FOR" followed by the number to be elected to such offices. If there is a short-term and a long-term election for the same office, the long-term office shall precede the short-term.

Section 98. Section 13-12-208, MCA, is amended to read:

"13-12-208. Blank space and margin Provision for write-in votes. (1) Below the list of names of candidates for each office there must be enough as many blank spaces to contain as many written names of candidates for write-in voting as there are persons officers to be elected.

(2) ~~There must be a margin on each side of at least 1/2 inch in width and a reasonable space between the names so that the voter may clearly indicate the candidate for whom he wishes to cast his ballot.~~

Section 99. Section 13-12-209, MCA, is amended to read:

"13-12-209. Stub Paper ballots -- stub size and contents -- content. (1) The Paper ballot ballots shall be printed on the same leaf sheet with a stub, separated by perforation.

(2) The stub shall extend the entire width of the

ballot and have instructions printed on it.

(3) Upon the face of the stub shall be printed ~~in type called brevier capital~~ the following:

"This ballot should be marked with an "X" in the square before the name of each person individual or candidate for whom the elector intends to vote. The elector may write in or affix a preprinted label in the blank spaces ~~or paste over another any other~~ name, the name of a person an individual for whom he wishes to vote and vote by marking an "X" in the square before the name. If a ballot contains a constitutional amendment or other question issue to be submitted to a vote of the people, it is voted on by marking an "X" in the square before the amendment or question issue."

(4) On ~~the front of~~ the stub shall be printed or stamped ~~by the registrar or other officers~~ the consecutive number of the ballot, beginning with number 1 and increasing in regular numerical order to the total number of ballots required for the precinct."

Section 100. Section 13-12-210, MCA, is amended to read:

"13-12-210. Number of ballots to be provided for each precinct. (1) The registrar election administrator must shall provide each election precinct with sufficient ballots for the electors registered, plus sufficient copies to cover

destroyed an extra supply to cover spoiled ballots.

(2) The registrar election administrator shall keep a record in his office showing the exact number of ballots that are delivered to the election judges of each precinct.

~~(3)--in-city-elections-the-city-clerk-shall--provide necessary-ballots--"~~

Section 101. Section 13-12-212, MCA, is amended to read:

"13-12-212. Registrar Election administrator to provide printed ballots -- other ballots ineffective prohibited. Except as otherwise provided in the election laws of this state:

(1) the registrar election administrator shall provide printed ballots for every election for-public-officers. He shall ~~print~~ have printed on the ballot the names of all candidates~~--including--candidates--for--chief--justice--and justices-of-the-supreme-court-and--judges--of--the--district courts~~ for all offices to be filled at the election and the title and other wording required by law for all ballot issues.

(2) ballots other than those printed by the registrars election administrator may not be cast or counted in any election."

NEW SECTION. Section 102. Sample ballots. The election administrator may have sample ballots printed in a

number sufficient to answer requests from the political parties, schools, and electors. Sample ballots must be duplicates of the official ballots but must be clearly distinguishable from official ballots and may not have perforated stubs or be numbered.

Section 103. Section 13-13-101, MCA, is amended to read:

"13-13-101. ~~Proclamation~~ Duties -- proclamation prior to opening and closing polls. (1) The election judges shall meet at their assigned polling places at the time set by the election administrator. The judges shall take and subscribe the official oath prescribed by the constitution. They may administer the oath to each other. The judges shall check all supplies and complete preparations for voting before the time set for opening the polls, under the direction of the chief election judge.

(2) Before the polls are opened or closed, that fact must be proclaimed at the place of election."

NEW SECTION. Section 104. Provision and use of election booths, voting machines, or voting devices. (1) The election administrator shall provide a sufficient number of booths, voting machines, or voting devices to allow voting to proceed with as little delay as possible. Booths, voting machines, or voting devices must be arranged in a manner that will not permit any other individual to see how the

1 elector votes or has voted, and the election judges may not
2 permit any individual to remain in any position that would
3 allow him to see how the elector votes or has voted.

4 (2) No more than one individual may occupy a booth at
5 one time except when assistance is furnished an elector as
6 provided by law. No individual may occupy a booth or use a
7 voting machine or device longer than is reasonably necessary
8 to prepare his ballot, after which the election judges may
9 eject him.

10 NEW SECTION. Section 105. Display of instructions for
11 electors. (1) Instructions for electors on how to prepare
12 their ballots or use machines or devices must be posted in
13 each compartment provided for the preparation of ballots and
14 elsewhere in the polling place.

15 (2) The instructions must be in easily read type and
16 explain how to:

- 17 (a) obtain ballots for voting;
 - 18 (b) prepare ballots for deposit in the ballot box; and
 - 19 (c) obtain a new ballot in place of one spoiled by
20 accident.
- 21 (3) If the instructions for use of the machine or
22 device are printed on the machine or device or are part of a
23 ballot package given each elector, separate instructions
24 need not be posted in the compartment.

25 (4) Official ballots for the precinct, clearly marked

1 "sample" across the face, shall be posted in each booth or
2 compartment and in conspicuous places about the polling
3 place in all precincts where paper ballots are used.
4 Diagrams showing the arrangement of the ballot for that
5 precinct shall be posted in conspicuous places about the
6 polling place in all precincts using machines or devices.

7 NEW SECTION. Section 106. Warning notice to be
8 posted. Warning notices shall be posted in conspicuous
9 places in the polling place. Each notice shall be headed
10 "WARNING" in large letters and shall state:

11 "The sections of law printed below list specific
12 conduct or actions which may cause an elector to be subject
13 to criminal prosecution. This is not intended to be a
14 complete printing of all laws pertaining to election
15 violations."

16 Below this statement shall be printed the following
17 sections: 13-35-201; subsections (1), (2), and (4) of
18 13-35-202; 13-35-205(1); subsections (1), (2), and (8) of
19 13-35-206; subsections (5), (6), and (7) of 13-35-207;
20 subsections (1) and (2) of 13-35-211; 13-35-214; 13-35-217;
21 and subsections (1), (3), and (4) of 13-35-218.

22 NEW SECTION. Section 107. Marking precinct register
23 book before elector votes. (1) Before an elector is
24 permitted to receive a ballot or vote, he shall sign his
25 name on the place designated in the precinct register.

1 Before signing the register, the elector shall state his
 2 name and current address. If the name or address is not as
 3 listed in the precinct register, the elector must complete a
 4 transfer form or new registration form to correct the
 5 information. The election judges shall write "transfer form"
 6 or "registration form" beside the name of any elector
 7 submitting a form. No elector may sign the precinct register
 8 unless his name and address are the same as shown in the
 9 register or the proper corrections have been made.

10 (2) The election judges shall require an elector not
 11 able to sign his name to produce two electors who shall sign
 12 an affidavit stating that the elector is the individual
 13 whose name and address appears in the precinct register
 14 before one or more of the election judges in a form
 15 prescribed by the secretary of state. The affidavit shall
 16 be filed by the election judges and returned to the election
 17 administrator with the returns of the election. One of the
 18 judges shall write the elector's name, noting the fact of
 19 his inability to sign, and the names of the two electors
 20 signing the affidavit.

21 (3) If the elector fails or refuses to sign his name
 22 or, if unable to write, fails to procure two electors who
 23 will take the oath required, he may not vote.

24 NEW SECTION. Section 108. Pollbooks. (1) In precincts
 25 using paper ballots, the name of each elector who votes

1 shall be entered in a pollbook and numbered in the order
 2 voting so that the number corresponds with the number on the
 3 stubs of the ballots given the elector.

4 (2) In precincts where machines or devices are used, a
 5 pollbook need be used only for paper ballots. The election
 6 administrator shall provide such precincts with some method
 7 of recording the number of individuals voting.

8 NEW SECTION. Section 109. Ballots to be stamped --
 9 one ballot to elector. (1) Before delivering ballots to an
 10 elector, the election judges shall stamp the words "official
 11 ballot" on the back near the top of the ballot. No part of
 12 the stamp may appear on the stub. They shall also stamp the
 13 name of the county, the number of the precinct, the date of
 14 the election, and any other information the election
 15 administrator believes necessary to distinguish the ballots
 16 from those used in any other election.

17 (2) Each elector shall receive from the election
 18 judges one of each type of ballot being used at the
 19 election.

20 NEW SECTION. Section 110. Method of voting. (1) On
 21 receipt of his ballot, the elector must immediately retire
 22 to one of the booths and prepare his ballot.

23 (2) He shall prepare his ballot by marking an "x" in
 24 the square before the name of the individual or individuals
 25 for whom he intends to vote.

1 (3) If the ballot contains a ballot issue, he shall
2 mark an "x" in the applicable square indicating his vote
3 either for or against the issue.

4 (4) The elector may write the name of an individual
5 for whom he wishes to vote in the blank space or affix a
6 preprinted label in the blank space or over any other name
7 and may vote for that individual by marking an "x" before
8 the name. When the ballot is marked in this manner, it must
9 be counted the same as though the name were printed upon the
10 ballot and marked by the elector.

11 (5) After preparing his ballot, the elector must fold
12 it so the face of the ballot will be concealed and the
13 official stamp may be seen and hand it to the election
14 judges.

15 (6) The judge receiving the ballots shall remove the
16 stubs in sight of the elector and deposit each ballot in the
17 ballot box and each stub in a box for detached stubs. The
18 judge must place the ballots in the ballot box immediately
19 without opening or examining them.

20 (7) No individual except an election judge may put a
21 ballot, any paper resembling a ballot, or anything other
22 than a ballot in a ballot box.

23 (8) Any elector who spoils his ballot may, on
24 returning the spoiled ballot, receive another in place of
25 it.

1 ~~NEW SECTION.~~ Section 111. Taking ballot to disabled
2 elector -- two judges. (1) The chief election judge may
3 appoint two election judges who represent different
4 political parties to take a ballot to an elector able to
5 come to the premises where a polling place is located but
6 unable to enter the polling place because of a disability.
7 The elector may request assistance in marking his ballot as
8 provided in [section 114].

9 (2) The judges shall have the elector sign an oath
10 form stating he is entitled to vote and shall write in the
11 precinct register by the elector's name "voted on the
12 premises by oath" and sign their names.

13 (3) When the ballot or ballots are marked and folded,
14 the judges shall immediately take them into the polling
15 place and give them to the judge at the ballot box. The
16 judge receiving the voted ballots shall distinctly announce
17 he has "a ballot offered by (name), an elector
18 physically unable to enter the room. Does anyone object to
19 the reception of the ballot?" If no objection is heard, the
20 judge shall remove the stub and place the ballot and stub in
21 the proper boxes. Any challenge to the elector's right to
22 vote shall be resolved as provided in [Title 13, chapter 13,
23 part 3].

24 ~~NEW SECTION.~~ Section 112. Aid to disabled elector.
25 (1) The election judges or a qualified elector of the county

1 chosen by the disabled elector may aid an elector who,
2 because of physical disability or inability to read or
3 write, needs assistance in marking his ballot.

4 (2) The election judges shall require the declaration
5 of disability by the elector under oath and may administer
6 the oath.

7 (3) The elector may be assisted by two judges who
8 represent different parties. The judges must certify on the
9 precinct register opposite the disabled elector's name that
10 the ballot was marked with their assistance. The judges may
11 not reveal information regarding the ballot.

12 (4) Instead of assistance as provided in subsection
13 (3), the elector may request the assistance of any qualified
14 elector of the county whom he designates to the judges to
15 aid him in the marking of his ballot, and the elector chosen
16 shall sign his name on the precinct register beside the name
17 of the elector assisted.

18 (5) No elector other than the one who requires
19 assistance may divulge to anyone within the polling place
20 the name of any candidate for whom he intends to vote or may
21 ask or receive the assistance of any individual within the
22 polling place in the preparation of his ballot.

23 NEW SECTION. Section 113. Poll watchers --
24 announcement of elector's name. The election judges shall
25 permit one poll watcher from each political party to station

1 himself close to the poll lists in a location that does not
2 interfere with the election procedures. At the time when
3 each elector signs his name, one of the election judges
4 shall pronounce the name loud enough to be heard by the poll
5 watchers. A poll watcher who does not understand the
6 pronunciation has the right to request that the judge repeat
7 the name. Poll watchers shall also be permitted to observe
8 all of the vote counting procedures of the judges after the
9 closing of the polls and all entries of the results of the
10 elections.

11 NEW SECTION. Section 114. Additional poll watchers.
12 A candidate, a group of candidates, or any group having an
13 interest in the election may request the election
14 administrator to allow additional poll watchers at any
15 precinct. The election administrator shall grant such
16 requests if the number of poll watchers at the polling place
17 will not interfere with the election procedures.

18 NEW SECTION. Section 115. Preventing obstructions. An
19 election officer, sheriff, constable, or other peace officer
20 may clear the passageway, prevent any obstruction, and
21 arrest any individual obstructing the passageway to a
22 polling place.

23 Section 116. Section 13-13-201, MCA, is amended to
24 read:

25 "13-13-201. Voting by elector when absent from place

1 of residence or physically incapacitated from going to
2 polls. (1) A qualified registered elector who will be absent
3 from the county or physically incapacitated and unable to go
4 to the polls on the day of election may vote as provided in
5 this part.

6 (2) Election judges who will be serving in a different
7 precinct than the one in which they are registered may vote
8 by absentee ballot."

9 Section 117. Section 13-13-203, MCA, is amended to
10 read:

11 "13-13-203. Absentee ballots where voting machines or
12 devices used. (1) In precincts where voting machines or
13 devices are used, the registrar, city clerk, or clerk of a
14 school district election administrator shall if necessary
15 print and provide:

16 (a) ballots in official form for possible absent or
17 physically incapacitated voters electors; and

18 (b) ~~pollbooks~~ and ballot boxes required for precincts
19 in which printed ballots are used.

20 (2) Absentee ballots received in those precincts shall
21 be handled as provided in this chapter."

22 Section 118. Section 13-13-211, MCA, is amended to
23 read:

24 "13-13-211. Application of absentee or physically
25 incapacitated person elector for ballot. During a period

1 beginning 75 days before the day of election and ending at
2 noon on the day before the election, an elector expecting to
3 be absent from the county in which his voting precinct is
4 situated, an elector in United States service, or an elector
5 who will be unable to go to the polls because of physical
6 incapacity may apply to the registrar or city clerk election
7 administrator for an absentee ballot."

8 Section 119. Section 13-13-212, MCA, is amended to
9 read:

10 "13-13-212. ~~Form and manner of application~~ Application
11 for absentee ballot. (1) Application for absentee ballots
12 shall be made on a form furnished by the ~~registrar of the~~
13 ~~county of which the applicant is an elector, the city clerk~~
14 ~~or clerk of a first-class school district. The form shall~~
15 ~~be prescribed by the secretary of state except as provided~~
16 ~~in 20-20-104, by a written request signed by the applicant~~
17 ~~and addressed to the election administrator of the~~
18 ~~applicant's county of residence.~~

19 ~~(2) The applicant shall subscribe the application~~
20 ~~affirming that the information contained in the application~~
21 ~~is true and complete to the best of his knowledge. The~~
22 ~~application is not complete without this affirmation.~~

23 ~~(3)~~ (2) Application for an absentee ballot may be made
24 by any elector in the United States service by the federal
25 post card application or by any written request signed by

1 the applicant and addressed to the registrar election
2 administrator of the applicant's county of residence."

3 Section 120. Section 13-13-213, MCA, is amended to
4 read:

5 "13-13-213. Transmission of application to county
6 clerk election administrator. (1) The elector shall forward
7 the application by mail or deliver it in person to the
8 registrar election administrator.

9 (2) The registrar election administrator shall compare
10 the signature on the application with the applicant's
11 signature on the registration card. If convinced the person
12 individual making the application is the same as the one
13 whose name appears on the registration card, he shall
14 deliver the ballot."

15 Section 121. Section 13-13-214, MCA, is amended to
16 read:

17 "13-13-214. Mailing ballot to elector. (1) ~~Either upon~~
18 ~~receipt of the application or immediately after the official~~
19 ~~ballot for the precinct of the applicant's residence has~~
20 ~~been printed, the registrar, city clerk, or clerk of a~~
21 ~~first-class school district shall send by mail postage~~
22 ~~prepaid, whatever official ballots are necessary. As soon as~~
23 the official ballots are printed, the election administrator
24 shall send by mail postage prepaid to each elector from
25 whom he has received a valid application whatever official

1 ballots are necessary. Ballots shall be sent immediately to
2 electors submitting valid requests after the official
3 ballots are printed.

4 (2) ~~The proper officer shall enclose an envelope with~~
5 ~~the ballots which has written on the front the name, title~~
6 ~~and post office address of the officer sending it and upon~~
7 ~~the other side a printed affirmation in a form prescribed by~~
8 ~~the secretary of state. The election administrator shall~~
9 enclose with the ballots a self-addressed envelope for the
10 return of the ballots. An affirmation in the form prescribed
11 by the secretary of state shall be printed on the back of
12 the envelope.

13 (3) The election administrator shall stamp the ballots
14 sent to an absentee elector as provided in [section 106].

15 ~~(3)(4)~~ Both the envelope in which the ballot is mailed
16 to an elector in the United States service and the return
17 envelope shall have printed across the face two parallel
18 horizontal red bars, each 1/4-inch wide, extending from one
19 side of the envelope to the other, with an intervening space
20 of 1/4-inch, with the words "Official Election Ballot
21 Material--via Air Mail" between the bars. In the upper
22 right-hand corner shall be printed "Free of U.S. Postage".
23 In the upper left-hand corner shall be blanks sufficient for
24 the recipient to place his return address. All printing on
25 the face of the envelope shall be in red. The gummed flap

of the envelope supplied for the return of the ballot shall be separated by wax paper or other appropriate protective insert. Voting instructions provided in subsection (5) (6) shall include a procedure to be followed by absentee voters ~~electors~~, such as notation of the facts on the back of the envelope, duly signed by the voter ~~elector~~, in instances of adhesion of the balloting material.

~~(4) The return address shall be self-addressed to the registrar or city clerk.~~

(5) If the ballots sent to the elector are for a primary election, the election administrator shall enclose an extra envelope marked "For Unvoted Party Ballot(s)". This envelope may not be numbered or marked in any way so it can be identified as being used by any one elector.

(5)(6) Instructions for voting shall be enclosed with the ballots, for electors in the United States service. Instructions shall include information concerning the type or types of writing instruments which may be used to mark the absentee ballot. Instructions for primary elections must include use of the envelope for unvoted ballots. The instructions must include information concerning the type or types of writing instruments which may be used to mark the absentee ballot.

(7) The return envelope shall be self-addressed to the election administrator."

Section 122. Section 13-13-221, MCA, is amended to read:

"13-13-221. Marking and affirming ballot-by-elect~~or~~.
(1) ~~The elector shall complete the affirmation at the time he executes his vote.~~ After the elector marks his ballots, he shall fold them so that the vote is concealed and so that the official stamp is visible. The stubs shall be left attached and the ballots should be folded so that the stubs can be detached without revealing the vote.

(2) ~~The elector shall mark each ballot in a manner so no other person can see the vote.~~ The elector shall place the ballots in the envelope addressed to the election administrator and seal it securely. If the ballots are for a primary election, the party ballot or ballots not voted shall be placed in the envelope marked for that purpose and enclosed in the outer envelope with the voted ballots.

(3) ~~The elector shall fold the ballot to conceal the vote and shall place it in the envelope and seal it.~~ The elector shall complete and sign the affirmation on the envelope.

~~(4) The elector shall sign at the end of the certificate and affirmation.~~

(5)(4) The elector shall mail the envelope, postage prepaid, or deliver it to the registrar, city clerk, or clerk of a first-class school district election

1 ~~administrator."~~

2 Section 123. Section 13-13-222, MCA, is amended to
3 read:

4 "13-13-222. Voting before election day by prospective
5 absentee or physically incapacitated elector. (1) An elector
6 who is present in his county after the official ballots of
7 ~~his--county-or-school-district~~ have been printed and who has
8 reason to believe that he will be absent from the county or
9 ~~school--district~~ or physically incapacitated on election day
10 may vote before election day before the ~~registrary-city~~
11 ~~clerk-or-school-district-clerk~~ election administrator.

12 (2) The provisions of this chapter apply to such
13 voting.

14 (3) If the ballot is marked before the ~~registrary-city~~
15 ~~clerk-or-school-district-clerk~~ election administrator, he
16 shall deal with it in the same manner as if it had come by
17 mail."

18 Section 124. Section 13-13-231, MCA, is amended to
19 read:

20 "13-13-231. Disposition of marked ballot upon receipt
21 by ~~registrary-or-clerk~~ election administrator. (1) Upon
22 receipt of the ~~envelope-the-registrary-city-clerk-or-clerk~~
23 ~~of-a-first-class-school-district voted absentee ballots the~~
24 election administrator shall immediately enclose ~~it-in-a~~
25 larger attach the elector's application to the envelope

1 ~~together-with-the-electors-application-and-seal-the-larger~~
2 envelope and mark the precinct number for delivery.

3 (2) The ~~registrary-city-clerk-or-clerk-of-a~~
4 ~~first-class-school-district~~ election administrator shall
5 safely keep ~~it~~ the absentee ballots in his office until
6 delivered ~~or-mailed~~ by him."

7 Section 125. Section 13-13-232, MCA, is amended to
8 read:

9 "13-13-232. Delivery of ballots to election judges —
10 ballots to be rejected. (1) If the absentee ballot is
11 received prior to delivery of the official ballots to the
12 election judges, the ~~registrary-or-clerk~~ election
13 administrator shall deliver the ~~larger~~ envelope to the
14 judges at the same time the ballots are delivered.

15 (2) If absentee ballots are received after the ballots
16 are delivered to the election judges but prior to the close
17 of the polls, the ~~registrary-or-clerk~~ election administrator
18 shall immediately deliver the ~~larger~~ envelopes to the
19 judges.

20 (3) If absentee ballots, for which an application was
21 not received prior to noon on the day preceding an election,
22 are received by the ~~registrary-or-clerk~~ election
23 administrator or if absentee ballots are received by the
24 ~~registrary-or-clerk~~ election administrator after the close of
25 the polls, the ~~clerk~~ he shall endorse upon the voter's

~~elector's~~ envelope the date and exact time of receipt and the words "to be rejected". Absentee ballots so endorsed shall be ~~delivered to the election judges of the precinct or retained by the election administrator registrar or clerk if the judges have adjourned and shall be rejected and placed with the proper records when they are returned to him."~~

Section 126. Section 13-13-233, MCA, is amended to read:

~~"13-13-233. Registrar or clerk to keep record of ballots and issue certificate~~ Issue and record of absentee ballots -- certificate. (1) The absentee ballots delivered shall be regular official ballots beginning with ballot number one 1 and following consecutively according to the number of applications for absentee ballots.

(2) The ~~registrar or city clerk or school district clerk~~ election administrator shall keep a record of all absentee ballots delivered, as well as of ballots marked before him.

(3) The ~~registrar or city clerk or school district clerk~~ election administrator shall deliver to the chief election judges to whom the ballots are delivered a certificate stating:

(a) the number of absentee ballots delivered as well as those marked before him; and

(b) the number of ballots retained for late absentee

voting; and

~~(b)(1)~~ the names of the voters ~~electors~~ to whom such ballots are ~~were~~ delivered or by whom they have been marked if marked before him."

NEW SECTION. Section 127. Elector voting absentee ballot may vote in person -- effect of absentee elector's death. (1) If an elector has voted by absentee ballot but on election day is present in the county and able to go to the polls or if he learns his absentee ballot has been rejected by the judges as provided in 13-13-235 and [section 130], the elector may vote in person at his polling place. If voting machines or devices are used, he may vote by machine or device.

(2) If an elector votes by absentee ballot and dies between the time of balloting and election day, his ballot does not count.

Section 128. Section 13-13-234, MCA, is amended to read:

"13-13-234. Duty of election judges -- pollbooks and numbering ballots. (1) The election judges, at the opening of the polls, shall note on the pollbooks opposite the numbers corresponding to the number of absentee ballots issued the fact that the ballots were issued and reserve the numbers for the absent or physically incapacitated ~~voters~~ electors. The notation may be made by writing the words

"absent or physically incapacitated voters" opposite the numbers.

(2) The election judges shall insert only the name of the elector entitled to each particular number according to the certificate of the registrar--or--city--clerk election administrator and the number of his ballot."

Section 129. Section 13-13-235, MCA, is amended to read:

"13-13-235. Envelopes--containing--ballots---deposit-in box-and-rejection-of-ballot Examination of absentee ballot envelopes and affidavits while polls open. (1) While the polls are open on election day, the election judges shall first--open--the--outer--envelope--only--and may compare the signature of the voter--on--the--application--and--on--the affirmations elector on the absentee ballot request and affirmation. If they find that the signatures correspond, that the affirmation is sufficient, and that the absentee elector is qualified and has not yet voted, they shall place the absentee elector's envelope in a box or envelope marked "unopened -- checked and valid absentee ballots".

(2) ~~if--the--election--judges--find--that--the--signatures correspond--that--the--affirmation--is--sufficient--and--that--the absentee--elector--is--qualified--and--has--not--yet--voted--they shall--open--the--absentee--voter's--envelope--and--take--out--the ballot--or--ballots.~~ If the absentee ballot does not meet the

requirements specified in subsection (1), it shall be rejected. The election judges, without opening the absentee ballot envelope, shall mark across it the reason for rejection, and a majority of the judges shall sign their initials. Unopened rejected absentee ballot envelopes shall be handled in the same manner as provided for rejected ballots in 13-13-236 and 13-13-237.

~~(3) Without unfolding the ballots or permitting them to be examined, the election judges shall ascertain whether the stubs are still attached and whether the numbers correspond to the numbers in the certificate of the registrar or city clerk. If so, they shall endorse the ballots the same way that other ballots are endorsed, detach the stubs, deposit the ballots in the proper ballot boxes, and make entries in their election records to show the elector has voted.~~

~~(4) If the affirmation is found defective, the numbers do not correspond, or the voter is unqualified, the election judges, without opening the absentee ballot, shall mark across the face of it "rejected as defective" or "rejected as not an elector".~~

~~(5) If, upon opening the absentee ballot envelope, it is found that the stub of any ballot has been detached or that the number does not correspond to the number on the certificate of the registrar or clerk, the ballot shall be~~

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~~rejected; it shall be marked on back as "rejected for
 vvvv" filling the blank with the reason. This statement
 shall be dated and signed by a majority of the election
 judges.~~

~~(6) The absentee ballot envelope when it has been
 voted, shall be deposited in the ballot box containing the
 general or party ballots and shall be retained and preserved
 in the manner provided for official ballots.~~

NEW SECTION. Section 130. Procedure for absentee
 ballots after polls close. (1) After the polls close, the
 election judges shall complete the procedures required in
 13-13-235 for any absentee ballots not examined while the
 polls were open.

(2) After all unopened ballot envelopes have been
 examined, the judges shall open the valid absentee ballot
 envelopes and, without unfolding the ballots or permitting
 them to be examined, shall ascertain whether the stubs are
 attached or enclosed and whether the numbers correspond to
 the numbers in the certificate of the election
 administrator. If so, they shall detach the stubs, deposit
 the stubs and ballots in the proper ballot boxes, and make
 entries in their election records to show the elector has
 voted. In a primary election, the unvoted ballots shall be
 deposited in the unvoted ballot box without being removed
 from their enclosure envelope.

(3) When the ballot has been voted, the absentee
 ballot envelope shall be deposited in the ballot box
 containing the voted ballots and shall be retained and
 preserved in the manner provided for official ballots.

(4) If upon opening the absentee ballot envelope it is
 found that the number does not correspond to the number on
 the certificate of the election administrator, the ballot
 shall be rejected. The reason for rejection shall be marked
 on the back of the ballot or ballots and the statement shall
 be initialed by a majority of the election judges.

Section 131. Section 13-13-236, MCA, is amended to
 read:

"13-13-236. Rejected absentee ballots. (1) The
 rejected ballots, ~~together with the absentee ballot envelope~~
~~bearing the application, the applications, and all envelopes~~
 shall be enclosed in an envelope and sealed, and the judges
 shall write on the envelope "rejected ballot ballot(s) of
 absentee voter elector" (writing in the elector's name).
~~"The rejected ballot(s) is (are) vvvv".~~

(2) ~~The election judges shall designate the rejected~~
~~ballot as "general ballot" if it is a ballot for~~
~~candidates. The unopened absentee ballot envelope of an~~
~~elector who has voted in person on election day as provided~~
~~in [section 127] shall be marked "voted in person" and~~
~~initialed by a majority of the election judges.~~

~~(3) If the rejected ballot is on a question submitted to the vote of the electors, the judges shall designate it as ballot question Nos. --- on the --- envelopes. The unopened absentee ballot envelope of an elector who dies before election day shall be marked "died before election day" and initialed by a majority of the election judges if they are notified of the death on election day. The election administrator shall make and sign the notation if notice of the death is received before delivery of the absentee ballot to the polling place.~~

~~(4) All rejected ballots shall be placed in the sealed package in which the voted ballots are required to be placed and may not be opened without a court order.~~

Section 132. Section 13-13-301, MCA, is amended to read:

"13-13-301. Challenges ~~by --registered--electors on election day.~~ (1) An elector's right to vote may be challenged on election day by any registered elector by orally stating to the election judges the grounds of the challenge.

(2) ~~A--person~~ An individual offering to vote may be orally challenged by any elector of the county upon the following grounds:

(a) that he is not the person individual whose name appears on the register-or-checklist;

~~(b) that he does not reside at the residence listed unless the elector is voting under the provisions of 13-2-512 and 13-2-514;~~

~~(c) that he is of unsound mind, as determined by a court;~~

~~(d) that he has voted before in that election; or~~

~~(e) that he has been convicted of a felony and is serving a sentence in a penal institution."~~

NEW SECTION. Section 133. Vote by challenged elector.

(1) Whenever an individual's right to vote at an election is challenged under 13-2-404 or 13-13-301 then an election judge shall write in the pollbook at the end of the individual's name the words "challenged and sworn", with the name of the challenger, if known. The elector so challenged shall vote by paper ballot. The election judge shall then write upon the back of the ballot offered by the challenged elector the number of his ballot. The ballot may be cast out if it appears to the court to have been for any reason wrongfully or illegally voted.

(2) Placing information on a ballot or pollbook under provision of subsection (1) or divulging such information in a legal proceeding subsequent to the election does not constitute a violation of 13-35-202 or 13-35-207.

Section 134. Section 13-13-304, MCA, is amended to read:

1 "13-13-304. Duties of election judges in response to
2 challenges. The election judges shall:

3 (1) test the qualifications of the elector challenged
4 under oath if he applies to vote;

5 (2) compare the answers of the elector with the
6 entries in the precinct register-books; and

7 (3) not permit him to vote if the elector:

8 (a) is found to be disqualified because the answers
9 given do not correspond to the entry in the precinct
10 registers register or any transfer form or registration form
11 submitted by the elector;

12 (b) is disqualified for any cause under the law;

13 (c) refuses to be sworn and to answer questions
14 touching the matter of residence; or

15 (d) refuses to take an oath or affirmation as to his
16 qualifications."

17 Section 135. Section 13-13-306, MCA, is amended to
18 read:

19 "13-13-306. Proceedings pursuant to challenges --
20 oaths. (1) If the challenge is on the ground that the person
21 individual is not the person elector whose name appears on
22 the official register, the election judges shall administer
23 the following oath: "You is name of elector, do
24 swear (or affirm) that you are I am the person individual
25 whose name is entered on the official register and precinct

1 list."

2 (2) If the challenge is on the ground that the
3 individual does not reside at the residence listed, the
4 judges shall administer this oath: "I, name of
5 elector, do swear (or affirm) that I reside at name
6 (state precise address), which is the address listed on the
7 official register."

8 (3) If the challenge is on the ground that the
9 person individual has voted before in that election, the
10 judges shall administer this oath: "You is name of
11 elector, do swear (or affirm) that you I have not voted
12 before in this election."

13 (4) If the challenge is on the ground that the
14 person individual has been convicted of a felony and is
15 serving a sentence in a penal institution, the judges shall
16 administer the following oath: "You is name of
17 elector, do swear (or affirm) either that you I have not
18 been convicted of a felony or that, if you I have been
19 convicted of a felony, you are I am not serving a sentence
20 in a penal institution."

21 (5) The election judges may administer any other oath
22 relating to the individual's qualification to vote that they
23 feel necessary."

24 Section 136. Section 13-13-307, MCA, is amended to
25 read:

1 "13-13-307. Determination of challenges. ~~(1)~~
 2 Challenges ~~on the grounds that the person is not the person~~
 3 ~~whose name appears on the official register or that the~~
 4 ~~person has before voted that day~~ are determined in favor of
 5 the person individual challenged by his taking the oath
 6 tendered.

7 ~~{2}--A challenge that the person has been convicted--of~~
 8 ~~a felony and not pardoned must be determined in favor of the~~
 9 ~~challenged on his taking the oath tendered."~~

10 Section 137. Section 13-13-309, MCA, is amended to
 11 read:

12 "13-13-309. Proceedings after determination of
 13 challenge. If the challenge is determined against the person
 14 individual offering to vote, the ballot shall, without
 15 examination, be destroyed by the election judges in the
 16 presence of the person offering the challenge individual may
 17 not be allowed to receive a ballot or vote by any other
 18 means and the precinct register shall be so marked. If
 19 determined in favor of the person individual offering to
 20 vote, ~~the ballot must be deposited in the ballot box~~ he
 21 shall be allowed to vote."

22 Section 138. Section 13-13-310, MCA, is amended to
 23 read:

24 "13-13-310. List of challenges to be kept. The
 25 election judges shall ~~require each election clerk to~~ keep a

1 list showing:

2 (1) the names of all persons individuals challenged;
 3 ~~(2) the name of the elector or judge offering the~~
 4 ~~challenge, if known;~~

5 ~~{2}{3}~~ the grounds of each challenge;

6 ~~{3}{4}~~ the determination of the election judges upon
 7 the challenge."

8 NEW SECTION. Section 139. Application of general
 9 laws. Candidates for nonpartisan offices, including judicial
 10 offices, shall be nominated and elected according to the
 11 provisions of this title except as otherwise provided in
 12 [Title 13, chapter 14].

13 NEW SECTION. Section 140. Declarations for nomination
 14 -- fee. (1) Nonpartisan candidates shall file declarations
 15 for nomination as required by the primary election laws in a
 16 form prescribed by the secretary of state except as provided
 17 in [section 137].

18 (2) Declarations may not indicate political
 19 affiliation. The candidate may not state in his declaration
 20 any principles or measures he advocates or any slogans.

21 (3) Each individual filing a declaration shall pay the
 22 fee prescribed by law for the position he seeks.

23 (4) Declarations shall be filed in the office of the
 24 secretary of state or the appropriate election administrator
 25 as provided in 13-10-201. Time of filing shall be the same

as provided in 13-10-201.

NEW SECTION. Section 141. Filing for offices without salary or fees. (1) Candidates for nonpartisan offices for which no salary or fees are paid shall file with the appropriate official a statement of candidacy and nominating petition in a form prescribed by the secretary of state.

(2) The nominating petition must contain the signatures of registered electors of the election district in which the office will be on the ballot. The number of signatures must be equal to 5% of the total vote cast for the successful candidate for that office at the last general election, but in no case may it be less than five signatures.

(3) The number of signatures necessary for a nominating petition for an office not previously on the ballot or for which the election district boundaries have changed since the last general election shall be determined by the secretary of state.

(4) Statements of candidacy and nominating petitions shall be filed at the same time provided in 13-10-201 for other candidates and offices.

NEW SECTION. Section 142. Register of candidates -- certification. (1) On receipt of a declaration, the secretary of state or election administrator shall make an entry in the register of candidates for nomination, on a

page different from entries made for candidates of political parties.

NEW SECTION. Section 143. Preparation and distribution of nonpartisan primary ballots. (1) The election administrators shall arrange, prepare, and distribute primary ballots for nonpartisan offices, designated "nonpartisan primary ballots". They shall be arranged as other primary ballots and be without political designation.

(2) The number of nonpartisan primary ballots and sample ballots furnished shall be the same as other primary ballots.

NEW SECTION. Section 144. Separate counting and canvassing of nonpartisan ballots -- application of general laws. (1) After closing the polls, the election officers shall separately count, canvass, record, and certify nonpartisan ballots, showing the number of votes cast for each person.

(2) Nonpartisan ballots, stubs, and unused ballots shall be disposed of in the same manner as other ballots, stubs, and unused ballots. Returns shall be made as provided by law.

NEW SECTION. Section 145. Placing names on ballots for general election. Candidates for nomination equal to twice the number to be elected at the general election who

1 receive the highest number of votes cast at the primary are
2 the nominees for the office. If the number of candidates is
3 not more than twice the number to be elected, then all
4 candidates are nominees for the office.

5 NEW SECTION. Section 146. Vacancies among nominees
6 after nomination and before general election. (1) If after
7 the primary a candidate is not able to run for the office
8 for any reason, the vacancy shall be filled by the candidate
9 next in rank in number of votes received in the primary
10 election.

11 (2) If a vacancy for a nonpartisan nomination cannot
12 be filled as provided in subsection (1) and the vacancy
13 occurs no later than 50 days before the general election, a
14 10-day period for accepting declarations for nomination or
15 statements of candidacy and nominating petitions for the
16 office shall be declared by:

17 (a) the governor for national, state, judicial
18 district, legislative, or any multicounty district office;

19 (b) the governing body of the appropriate political
20 subdivision for all other offices.

21 (3) The names of the candidates who filed as provided
22 in subsection (2) shall be certified and printed on the
23 general election ballot in the same manner as candidates
24 nominated in the primary.

25 (4) If the vacancy occurs later than 50 days before

1 the general election and no qualified individual is elected
2 to the office at the general election, the office shall be
3 vacant and shall be filled as provided by law.

4 NEW SECTION. Section 147. Judicial offices separate
5 and independent offices for election purposes. (1) Each
6 vacancy for justice of the supreme court is a separate and
7 independent office for election purposes. The chief justice
8 of the supreme court shall assign an individual number to
9 the justices and certify these numbers to the office of the
10 secretary of state.

11 (2) Each judicial office in a district which has more
12 than one district judge is a separate and independent office
13 for election purposes.

14 (3) Each office in a county which has more than one
15 justice of the peace is a separate and independent office
16 for election purposes.

17 NEW SECTION. Section 148. Form of ballot on retention
18 of incumbent judicial officers. In the event there is no
19 candidate other than the incumbent for the office of chief
20 justice, supreme court justice, district court judge, or
21 justice of the peace, the name of the incumbent shall be
22 placed on the official ballot for the general election as
23 follows:

24 Shall (insert title of officer) (insert name of the
25 incumbent officer) of the (insert title of the court) of the

state of Montana be retained in office for another term?

☐ YES

☐ NO

(Mark an "x" before the word "YES" if you wish the official to remain in office. Mark an "x" before the word "NO" if you do not wish the official to remain in office.)

NEW SECTION. Section 149. Form of ballot on retention for other offices. The election administrator or secretary of state shall use the form prescribed in [section 148] to place the name of an unopposed incumbent for a judicial office on the general election ballot if such office is subject to the provisions of Article VII, Section 9, of The Constitution of the State of Montana.

NEW SECTION. Section 150. Counting board. (1) In any precinct where a counting board has been appointed in addition to the regular board of election judges, the counting board shall meet at a place designated by the election administrator.

(2) The election administrator may provide duplicate boxes for voted ballots and duplicate pollbooks at any precinct for which a counting board has been appointed and may arrange for the counting board to begin the count of the votes cast before the polls close. The counting board shall be sequestered in a separate room from where the ballots are being cast until after the polls close. The counting board

shall proceed by counting all ballots in the first box and then that box and pollbook shall be exchanged for the second box and duplicate pollbook. The board shall continue counting until the votes cast for all candidates and issues are counted.

(3) The election administrator may have the counting board for a precinct begin work as soon as the polls close instead of using the procedure outlined in subsection (2).

(4) In a county where voting devices are used, the election administrator may make provisions for the delivery of voted ballots to the counting center at any time prior to the closing of the polls. The ballots may be processed and counted as they are received, but the results of this early count may not be released to the public until after all the polls are closed.

(5) No election judge or other individual having access to the information may disclose any results of early counting while the polls are open.

Section 151. Section 13-15-101, MCA, is amended to read:

"13-15-101. Votes to be publicly canvassed counted upon closing of polls. (1) When the polls are closed, the election judges shall immediately canvass count the votes. The canvass count shall be public and continue without adjournment until completed and the result is publicly

1 declared.

2 (2) Immediately after all the ballots are voted
3 counted in each precinct, the election judges shall copy the
4 total votes cast for each candidate and for and against each
5 proposition on the ~~blanks~~ return forms furnished by the
6 ~~registrars in 13-12-105~~ election administrator.

7 (3) The election judges shall immediately post one of
8 the ~~blanks~~ return forms at the polling place and send return
9 a copy ~~by mail~~ to the registrar election administrator. Both
10 forms shall be signed by all the election judges completing
11 the count."

12 Section 152. Section 13-15-201, MCA, is amended to
13 read:

14 "13-15-201. Method of canvass Preparation for count.

15 (1) ~~The canvass shall~~ to begin by ~~a comparison of the~~
16 ~~pollbooks and the correction of any mistakes until they~~
17 ~~agree~~

18 ~~(2) The~~ the count after the close of the polls, the
19 election judges shall take ballots out of the box unopened
20 to determine whether each ballot is single.

21 ~~(3)(2)~~ They shall count the ballots to ensure that the
22 number of ballots corresponds with the number of names on
23 the pollbooks.

24 (3) If they cannot reconcile the total number of
25 ballots with the pollbook they must submit a written report

1 stating how many ballots were missing or in excess and any
2 reason of which they are aware for the discrepancy. All
3 judges must sign the report.

4 (4) A ballot which is not endorsed by the official
5 stamp is void and ~~shall~~ may not be counted ~~A ballot or part~~
6 ~~of a ballot is void and shall not be counted if the~~
7 ~~elector's choice cannot be determined if part of a ballot~~
8 ~~is sufficiently plain to determine the elector's intention~~
9 ~~the election judges shall count that part unless the judges~~
10 ~~agree the stamp is missing because of their error. Such~~
11 ~~ballot shall be marked "unstamped by error" on the back and~~
12 ~~must be initialed by all judges.~~

13 (5) If two or more ballots are folded together to look
14 like a single ballot, they shall be laid aside until the
15 count is complete. The election judges shall compare the
16 count with the pollbooks, and if a majority ~~believe~~ believes
17 that the ballots folded together were voted by one elector,
18 they must be rejected; otherwise they must be counted.

19 ~~(6) If the ballots exceed the number of names on the~~
20 ~~pollbooks, they shall be placed in the box and one of the~~
21 ~~election judges shall publicly draw from the box and destroy~~
22 ~~unopened ballots equal to the excess. The election judges~~
23 ~~shall record in the pollbooks the number of ballots~~
24 ~~destroyed"~~

25 Section 153. Section 13-15-202, MCA, is amended to

1 read:

2 "13-15-202. Counting ~~ballots~~ votes cast -- pollbooks
3 pollbook. (1) When ~~the ballots and pollbooks agree the~~
4 procedures required by 13-15-201 are completed, the election
5 judges shall count and determine the votes cast for each
6 person individual.

7 (2) In counting, the ballots shall be opened singly by
8 one of the election judges and the contents read aloud to
9 the other judges.

10 (3) A ballot or part of a ballot is void and shall not
11 be counted if the elector's choice cannot be determined. If
12 part of a ballot is sufficiently plain to determine the
13 elector's intention, the election judges shall count that
14 part.

15 ~~(3)(4)~~ As the ballots are read, ~~each clerk two judges~~
16 must write on a tally sheet the name of every person ~~voted~~
17 for individual and the office voted for and keep tallies of
18 the number of votes for each person individual.

19 ~~(4)(5)~~ The tally sheets shall be compared and their
20 correctness ascertained, and the clerks ~~under the~~
21 ~~supervision of the election judges~~ shall immediately write
22 in the pollbooks pollbook:

23 (a) the names of all persons individuals who received
24 votes;

25 (b) the offices for which they received votes;

1 (c) total votes received by each person individual as
2 shown by the tally sheets.

3 ~~(5)(6)~~ In making the official ~~canvass~~ count in
4 precincts where voting machines are used, the votes cast by
5 absentee ballot shall be added to the votes cast on the
6 voting machines.

7 ~~(6)(7)~~ A ballot or vote rejected by the election
8 judges ~~shall~~ may not be included in the count."

9 Section 154. Section 13-15-204, MCA, is amended to
10 read:

11 "13-15-204. Signing and certifying pollbooks.
12 Immediately after the votes are counted and the ballots
13 sealed up, the pollbooks pollbook shall be signed and
14 certified to by the election judges ~~and clerks~~ in a form
15 prescribed by the secretary of state.

16 Section 155. Section 13-15-205, MCA, is amended to
17 read:

18 "13-15-205. Items to be sent delivered to registrar
19 election administrator by election judges -- ~~manner of~~
20 sending disposition of other items. (1) Before they adjourn,
21 the election judges shall enclose in a strong envelope or
22 package, securely sealed ~~and directed to the registrar~~
23 fastened:

24 (a) the precinct registers register;

25 (b) the ~~lists~~ list of persons individuals challenged;

(c) ~~both of the pollbooks pollbook;~~

(d) both of the tally sheets.

(2) The election judges shall enclose in a separate package or envelope, securely sealed, ~~and directed to the~~ registrar, all unused ballots with the numbered stubs attached.

(3) The election judges shall enclose in a separate package or envelope, securely sealed ~~and directed to the~~ registrar, all ballots voted, including those not counted or allowed, ~~and all detached stubs from all counted or rejected~~ absentee ballots ~~voted~~. This envelope shall be endorsed on the outside "ballots voted". At the primary election the ~~unvoted party ballots shall be enclosed in a separate~~ package or envelope, securely sealed, and marked on the ~~outside "unvoted ballots".~~

(4) Each election judge shall write his name across ~~the seal of each of the envelopes or packages~~ all seals. ~~The~~ ballot box shall be returned to the registrar.

(5) The return form provided for in 13-15-101 shall be ~~returned with the items provided for in this section but may~~ not be sealed in any of the packages.

~~(5)(6)~~ The envelopes or packages required by this section shall be delivered to one of the election judges chosen by lot, unless otherwise agreed upon, before they adjourn. ~~The judge shall deliver them to the registrar in~~

~~person or by registered mail no later than 10 a.m. on the~~ day following the election the election administrator by the ~~chief election judge or another judge appointed by the chief~~ judge in the manner ordered by the election administrator.

(7) The election administrator shall instruct the ~~chief election judge in writing on the proper disposition of~~ all other election materials and supplies."

Section 156. Section 13-15-301, MCA, is amended to read:

"13-15-301. Disposition of items by registrar election ~~administrator.~~ (1) ~~When the registrar receives the packages~~ or envelopes, ~~he shall file those containing the voted~~ ballots and detached stubs and those containing the unused ballots and keep them unopened for 12 months. After 12 months, if there is no contest begun in a court or no recount, ~~he shall, without opening them or examining their~~ contents, either burn the envelopes in an approved incinerator, destroy them in a mechanical shredder, or bury them in a sanitary landfill under his on-site supervision.

(2) The registrar election administrator shall file the envelopes or packages containing the precinct registers, pollbooks, tally sheets, certificates of registration, and oaths of election officers. He shall keep them unopened until the commissioners meet county board of canvassers ~~meets~~ to canvass the returns. The commissioners board shall

1 open the envelopes or packages.

2 ~~(3)(2)~~ Immediately after the returns are canvassed,
3 the registrar election administrator shall file the
4 pollbooks, election records, and the papers delivered to the
5 commissioners board of canvassers with the unopened packages
6 of ballots and ballot stubs."

7 Section 157. Section 13-15-401, MCA, is amended to
8 read:

9 "13-15-401. County commissioners governing body as
10 board of county canvassers. (1) The ~~commissioners--are~~
11 governing body of a county, consolidated, or confederated
12 local government is ex officio a board of county canvassers
13 and shall meet as the board of county canvassers at the
14 usual place of meeting of the commissioners governing body
15 within 3 days after each election, at 8 a.m., to canvass the
16 returns.

17 (2) If one or more of the ~~commissioners~~ members of the
18 governing body cannot attend the meeting, his place shall be
19 filled by one or more county officers ~~in--this--order--~~
20 ~~treasury--assessor--sheriff~~ chosen by the remaining
21 members of the governing body so that the board of county
22 canvassers' membership equals the membership on of the board
23 of ~~commissioners~~ governing body.

24 (3) ~~The--registrar--is--clerk--of--the--board--of--county~~
25 ~~canvassers.~~ The governing body of any political subdivision

1 in the county that participated in the election may join
2 with the governing body of the county, consolidated, or
3 confederated local government in canvassing the votes cast
4 at the election.

5 (4) The election administrator is secretary of the
6 board of county canvassers and shall keep minutes of the
7 meeting of the board and file them in the official records
8 of his office."

9 Section 158. Section 13-15-402, MCA, is amended to
10 read:

11 "13-15-402. Canvass Count of votes by county board --
12 procedures if all returns not received by time of canvass.

13 (1) If all returns are in at the time of the meeting, the
14 board of county canvassers shall immediately canvass the
15 returns.

16 (2) If all returns are not received, the board shall
17 postpone the canvass from day to day until all returns are
18 ~~received--or--until--there--have--been--seven--postponements.~~

19 (3) If the returns from an election precinct have not
20 been received by the registrar election administrator within
21 ~~7~~ 3 days after an election, he shall immediately send a
22 ~~messenger--to--the~~ advise the chief election judges judge. The
23 ~~messenger--must--obtain--the--returns--from--the--judges--and--return~~
24 ~~them--to--the--registrar.~~

25 (4) If it appears to the board that the polls were not

open in a precinct, the board shall certify this to the registrar election administrator. The registrar election administrator shall enter the certification in the minutes and in the statement record required by 13-15-404."

Section 159. Section 13-15-403, MCA, is amended to read:

"13-15-403. County-canvass Canvass to be public -- nonessentials to be disregarded. (1) The canvass shall be public. It shall proceed by opening the returns, auditing the tally books or other records of votes cast for errors, determining the vote for each person individual and for and against each proposition ballot issue from each precinct, compiling totals, and declaring or certifying the results.

(2) The board shall record all write-in votes shown in the returns from each precinct.

(3) The returns shall not be rejected because of failure to show who administered the oath to the election judges, or clerks, because of failure to complete all the certificates in the pollbooks a pollbook, or because of failure of any other act making up the returns that is not essential to determine for whom the votes were cast."

Section 160. Section 13-15-404, MCA, is amended to read:

"13-15-404. Statement-of-results Information to be entered of on record. As soon as the results are declared,

~~the clerk of the board shall enter on the records:~~

(1) ~~votes cast in the county;~~ The secretary of the board shall prepare and file in the official records of his office a report of the canvass which lists:

(a) the total number of electors voting in each precinct, municipality, district, or portion of a district in the county and the total in the county;

(b) the name of each individual receiving votes and the office for which the votes were received;

(c) the number and title of each ballot issue;

(d) the votes by precinct, municipality, district, or portion of a district within the county for each individual and for and against each ballot issue; and

(e) the total votes in the county for each individual and for and against each ballot issue.

(2) ~~names of the persons who voted for and the propositions voted upon~~ Write-in votes for an individual shall be entered in the report in the same place as the votes for other individuals for the same office but shall be identified as write-in votes.

(3) ~~office for which each person was voted~~

(4) ~~votes by precinct for each person and for and against each proposition~~

(5) ~~votes by county for each person and for and against each proposition~~

Section 161. Section 13-15-405, MCA, is amended to read:

"13-15-405. Declaration or certification of results of persons elected. (1) The board shall declare nominated or elected the persons individuals having the highest number of votes given cast for each county and district precinct office, voted for in only one county other than a legislator or a judge of the district court and each precinct office except as provided in 13-10-204.

(2) if there is a tie vote, the board making the canvass shall certify the vote. The board shall proclaim the adoption or rejection of a county ballot issue.

(a) to the registry if the election was for a county or district office voted on in only one county other than a legislator or a judge of the district court or a precinct office or a ballot issue voted on in only one county;

(b) to the secretary of state if the election was for a congressional office, a state or district office voted on in more than one county, the legislature or judge of the district court or a ballot issue voted on in more than one county;

(3) The board shall certify the results of the canvass of votes cast for individuals for political subdivision offices and for and against political subdivision ballot issues to the governing body of each political subdivision

participating in the election.

(4) If there is a tie vote for a county office, an office of a political subdivision wholly within the county, a precinct office, or a ballot issue voted on only in that county or portion of that county, the board shall certify the vote to the election administrator."

Section 162. Section 13-15-406, MCA, is amended to read:

"13-15-406. Certificates to be issued by the clerk election administrator. (1) The clerk election administrator shall immediately except as provided in 13-37-127, deliver to each person declared elected by the board a certificate of election signed by him and authenticated with the seal of the board to each individual declared elected by the board.

(2) The certificate shall state that the official bond must be filed within 30 days after notice of election or appointment and that failure to file the bond vacates the offices."

Section 163. Section 13-15-501, MCA, is amended to read:

"13-15-501. State returns, how made and transmitted Certification of canvass to state canvassers. (1) After a general or special election, the clerk shall make an abstract of the vote for congressional offices, state or district offices voted for in more than one county, members

~~of the legislature, and judges of the district courts. The~~
~~board of county canvassers shall certify the vote for each~~
~~individual for whom votes were cast for the offices of~~
~~president and vice president of the United States,~~
~~congressional offices, state or district offices voted for~~
~~in more than one county, members of the legislature, judges~~
~~of the district court, and for and against ballot issues~~
~~voted on in more than one county to the board of state~~
~~canvassers. The certification shall contain all the~~
~~information required in 13-15-404 for such candidates and~~
~~issues.~~

~~(2) The clerk shall seal the abstract, endorse it~~
~~"Election Returns", and immediately send it to the secretary~~
~~of state by certified or registered mail. The secretary of~~
~~the board shall send the certification to the secretary of~~
~~state by certified mail in an envelope marked "election~~
~~returns".~~

Section 164. Section 13-15-502, MCA, is amended to read:

"13-15-502. Composition and meeting of board of state canvassers. Within 20 days after the election, or sooner if the returns are all received, the state auditor, superintendent of public instruction, and attorney general shall meet as a board of state canvassers in the office of the secretary of state and determine the vote. The secretary

of state ~~who is~~ shall serve as secretary of the board, shall make out ~~keep~~ minutes of the meeting of the board, and file in his office a statement of the canvass and transmit a copy to the governor ~~them~~ in the official records of his office."

Section 165. Section 13-15-503, MCA, is amended to read:

"13-15-503. Sending messenger for returns Notification if returns not received from counties. If the returns from all counties have not been received 5 1/2 days before the meeting of the board of state canvassers, the secretary of state shall immediately send a messenger to the registrar advise the election administrator of each delinquent county. The registrar shall furnish the messenger with a certified copy of the statement required by 13-15-404."

NEW SECTION. Section 166. Canvass to be public -- procedure. (1) The canvass shall be public. It shall proceed by opening the returns from each county, auditing the records from each county for errors, determining the vote for each individual and for and against each ballot issue in each county, compiling totals, and declaring and certifying the results.

(2) The board shall record all write-in votes shown in the returns received from each county.

NEW SECTION. Section 167. Report of the canvass. (1)

1 The secretary of the board shall prepare and file in the
2 official records of his office a report of the canvass which
3 lists:

4 (a) the total number of electors voting in each county
5 and in each legislative house district and the total in the
6 state;

7 (b) the name of each individual receiving votes and
8 the office for which the votes were received;

9 (c) the number and title of each ballot issue; and

10 (d) the votes by county and legislative house district
11 and the total votes for each individual and for and against
12 each ballot issue.

13 (2) Write-in votes for an individual shall be entered
14 in the report in the same place as votes of other
15 individuals for the same office but shall be identified as
16 write-in votes.

17 NEW SECTION. Section 168. Declaration, proclamation,
18 and certification of results. The board shall declare
19 nominated or elected the individual having the highest
20 number of votes cast for each office, except as provided in
21 13-10-204. The board shall proclaim the adoption or
22 rejection of ballot issues. Certified copies of the report
23 required in [section 160], the declaration of nominated or
24 elected individuals, the proclamation of adoption or
25 rejection of ballot issues, and the effective date of

1 adopted ballot issues shall be delivered to the governor.

2 Section 169. Section 13-15-504, MCA, is amended to
3 read:

4 "13-15-504. Governor to issue commissions. Upon
5 receipt of the ~~statement~~ statements required by ~~13-15-502~~
6 ~~13-15-501~~ and 13-37-127, the governor shall issue
7 commissions to the persons individuals elected. If the
8 governor has been elected to succeed himself, the secretary
9 of state shall issue the commission."

10 Section 170. Section 13-16-101, MCA, is amended to
11 read:

12 "~~13-16-101. Board--of--county--commissioners~~ County
13 governing body as county recount board. (1) The county
14 recount board shall ~~always~~ consist of three ~~acting~~ members.

15 (2) ~~The county recount board is the board of county~~
16 ~~commissioners.~~ Three members of the governing body shall be
17 appointed by the chairman if there are more than three
18 members of the governing body.

19 (3) ~~If one or more of the commissioners~~ three members
20 of the governing body cannot attend when the board meets,
21 his any vacant place shall be filled by a ~~one or more~~ county
22 officer ~~officers in the following order of appointments: the~~
23 ~~treasury, the assessor, the sheriff, the clerk of court~~
24 chosen by the remaining members of the governing body.

25 (4) If a member of the recount board ~~was~~ is a

1 candidate for an office or nomination for which votes are to
2 be recounted, he shall be disqualified.

3 (5) The ~~registrar~~ election administrator is clerk
4 secretary of the recount board, and the board may hire any
5 additional clerks as needed.

6 (6) The board may appoint county employees or hire
7 clerks to assist as needed."

8 Section 171. Section 13-16-201, MCA, is amended to
9 read:

10 "13-16-201. Conditions under which recount to be made.
11 A recount shall be made under any of the following
12 conditions:

13 (1) If a candidate for a county, municipal, or
14 district office voted for in only one county, other than a
15 legislator or a judge of the district court, or a precinct
16 office is defeated by a margin not exceeding 1/4 of 1% of
17 the total votes cast or by a margin not exceeding 10 votes,
18 whichever is greater, he may, within 5 days after the
19 official canvass, file with the ~~registrar~~ election
20 administrator a verified petition stating he believes a
21 recount will change the result and a recount of the votes
22 for the office or nomination should be had.

23 (2) If a candidate for a congressional office, a state
24 or district office voted on in more than one county, the
25 legislature, or judge of the district court is defeated by a

1 margin not exceeding 1/4 of 1% of the total votes cast for
2 all candidates for the same position, he may, within 5 days
3 after the official canvass, file a petition with the
4 secretary of state as set forth in subsection (1). The
5 secretary of state shall immediately notify each ~~registrar~~
6 election administrator whose county includes any precincts
7 which voted for the same office by certified or registered
8 mail, and a recount shall be conducted in those precincts.

9 (3) If a question submitted to the vote of the people
10 of a county, municipality, or district within a county is
11 decided by a margin not exceeding 1/4 of 1% of the total
12 votes cast for and against the question, a petition as set
13 forth in subsection (1) may be filed with the election
14 administrator. This petition must be signed by not less than
15 10 electors of the jurisdiction and must be filed within 5
16 days after the official canvass.

17 ~~(3)(4)~~ If a question submitted to the vote of the
18 people of the state is decided by a margin not exceeding
19 1/4 of 1% of the total votes cast for and against the
20 question, a petition as set forth in subsection (1) may be
21 filed with the secretary of state. This petition ~~shall~~ must
22 be signed by not less than 100 electors of the state,
23 representing at least five counties of the state, and must
24 be filed within 5 days after the official canvass.

25 (5) If a question submitted to the vote of the people

1 of a multicounty district is decided by a margin not
 2 exceeding 1/4 of 13 of the total votes cast for and against
 3 the question, a petition as set forth in subsection (1) may
 4 be filed with the secretary of state. This petition must be
 5 signed by not less than 25 electors of the district,
 6 representing at least 2 counties, and must be filed within 5
 7 days after the official canvass.

8 ~~(4)(6)~~ The secretary of state shall immediately notify
 9 each registrar election administrator by certified or
 10 registered mail of the filing of the petition, and a recount
 11 shall be conducted in all precincts in each county."

12 Section 172. Section 13-16-203, MCA, is amended to
 13 read:

14 "13-16-203. Recount for tie votes. ~~(1)~~ When a tie has
 15 been certified to the registrar election administrator or
 16 secretary of state, as provided in 13-15-405~~(2)(4)~~, he shall
 17 proceed as if a petition for a recount has been filed. If a
 18 tie exists after the recount, the tie shall be resolved as
 19 provided by law.

20 ~~(2) If a recount shows that two or more persons~~
 21 ~~received an equal and sufficient number of votes for the~~
 22 ~~office of state senator or state representative, the county~~
 23 ~~recount board shall certify this to the governor."~~

24 Section 173. Section 13-16-204, MCA, is amended to
 25 read:

1 "13-16-204. Meeting of recount board when recount
 2 requested. (1) Immediately upon receiving an application for
 3 a recount as provided in 13-16-201(1) or a notice from the
 4 secretary of state that an application has been filed with
 5 him, the registrar election administrator shall notify the
 6 members of the county recount board.

7 (2) The board shall convene at the usual meeting place
 8 of the commissioners governing body without undue delay but
 9 not later than 5 days after receiving notice from the
 10 registrar election administrator."

11 Section 174. Section 13-16-301, MCA, is amended to
 12 read:

13 "13-16-301. Application and court order for recount.
 14 (1) ~~(a)~~ Within 5 days after the canvass of election returns,
 15 an unsuccessful candidate for any public office at a
 16 ~~generally--specific--or--city~~ an election may apply to the
 17 district court of the county where the election was held for
 18 an order directing the ~~canvassing-body~~ county recount board
 19 to make a recount of the votes cast in any or all of the
 20 precincts. If the election was held in more than one
 21 county, the application shall be made to the district court
 22 of the county where the candidate resides.

23 (b) Within 5 days after the canvass of election
 24 returns, an elector who was eligible to vote on the issue
 25 and who believes that there are grounds for a recount of the

1 votes cast for and against a ballot issue may apply to the
 2 district court of the county where he resides for an order
 3 directing the appropriate county recount board to make a
 4 recount of the votes cast in any or all of the precincts.

5 (2) The application shall specify the grounds for a
 6 recount and be verified by the applicant that the matters
 7 contained in it are true to the best of the applicant's
 8 knowledge, information, and belief.

9 (3) Within 5 days after filing of the application, the
 10 judge shall hear the application and determine its
 11 sufficiency.

12 (4) If the judge finds there is probable cause to
 13 believe that the votes cast for the applicant or the ballot
 14 issue were not correctly counted, he shall order the board
 15 of appropriate county canvassers recount board to assemble
 16 within 5 days after the order is issued at a time and place
 17 fixed by the order. The board shall meet and recount the
 18 ballots as specified in the order."

19 Section 175. Section 13-16-303, MCA, is amended to
 20 read:

21 "13-16-303. Presumption of incorrectness from failure
 22 to comply with provisions for counting votes. If it appears
 23 from a verified application that the election judges or
 24 clerks failed to comply with the provision provisions of
 25 13-15-202, that is sufficient cause for believing that the

1 election judges ~~and clerks~~ did not correctly ascertain the
 2 number of votes cast for the applicant or ballot issue."

3 Section 176. Section 13-16-304, MCA, is amended to
 4 read:

5 "13-16-304. Ordering in another judge -- jurisdiction.

6 (1) If the judge of the district court ~~of the county~~ in
 7 which the ~~election application~~ application is ~~held~~ filed is for any
 8 reason disqualified from acting, the judge or a supreme
 9 court justice shall order another district judge to hear and
 10 determine the application.

11 (2) The district court shall not lose jurisdiction of
 12 the case by failure to hear and determine the application
 13 within the prescribed time but shall retain jurisdiction
 14 until the cause is finally determined and the final count is
 15 made by the ~~board of county canvassers~~ recount board."

16 Section 177. Section 13-16-305, MCA, is amended to
 17 read:

18 "13-16-305. Limitation of recount to certain counties
 19 or precincts. (1) If the application asks for a recount in
 20 more than one county or precinct but there are not
 21 sufficient grounds for a recount in all counties or
 22 precincts, the court shall order a recount ~~in~~ only in the
 23 counties or precincts for which sufficient grounds are
 24 stated and shown.

25 (2) The recount board ~~of canvassers~~ shall recount

1 votes only in those counties or precincts and for those
2 offices or ballot issues specified in the court order."

3 Section 178. Section 13-16-307, MCA, is amended to
4 read:

5 "13-16-307. Expenses of court-ordered recount. (1) The
6 court shall in its order ~~shall~~ determine the probable
7 expense of making the recount, and the applicant or
8 applicants asking for the recount shall deposit with the
9 board the amount determined in cash.

10 (2) If the recount shows that the ~~an~~ applicant or
11 ~~applicants--have~~ has been elected to the office, the deposit
12 of ~~each the~~ applicant shall be returned to him.

13 (3) If the recount shows that an applicant has not
14 been elected and the expense of the recount is greater than
15 the estimated cost, the applicant shall pay the excess; but
16 if the expense is less than the cost, the difference shall
17 be refunded to the applicant.

18 ~~(4) Members of the canvassing board and their clerks~~
19 ~~shall be compensated for their time spent in canvassing. If~~
20 ~~the recount reverses the results of a ballot issue election,~~
21 ~~the deposit of the applicant shall be returned to him.~~

22 ~~(5) If the recount does not reverse the results of a~~
23 ~~ballot issue election and the expense of the recount is~~
24 ~~greater than the estimated cost, the applicant shall pay the~~
25 ~~excess; but if the expense is less than the cost, the~~

1 difference shall be refunded to the applicant."

2 Section 179. Section 13-16-401, MCA, is amended to
3 read:

4 "13-16-401. Persons Individuals entitled to appear at
5 recount -- opening and recount of ballots. (1)
6 Representatives of the news media may be present at the
7 recount. The recount shall be public, but the audience may
8 be limited to prevent interference with the procedures.

9 (2) Each candidate involved in a recount may appear,
10 personally or by a representative, and shall have full
11 opportunity to witness the opening of all ballot boxes and
12 the count of all ballots.

13 ~~(2)(3)~~ If the recount is upon a referred or submitted
14 question, one qualified elector favoring each side of the
15 question may be present and represent his side.

16 ~~(3)(4)~~ The recount shall proceed as provided in
17 13-16-402 and as expeditiously as possible until completed."

18 Section 180. Section 13-16-402, MCA, is amended to
19 read:

20 "13-16-402. Manner--of Procedure for recounting paper
21 ballots. The county recount board of--~~canvassers~~ in
22 recounting the ballots shall count, at the same time, the
23 votes cast in the precincts in which a recount is ordered
24 for the several candidates in whose behalf a recount is
25 ordered in the following manner:

1 (1) The registrar election administrator shall
 2 produce, unopened, ~~unless it is necessary for the registrar~~
 3 ~~to open the package or envelope to secure election materials~~
 4 ~~which have been sealed in the wrong envelope or package, the~~
 5 each sealed package or envelope received from the election
 6 judges of the precinct or precincts in which a recount is
 7 ordered, containing all ballots voted in the precinct or
 8 precincts.

9 (2) A member of the recount board of county canvassers
 10 shall open the each sealed package or envelope in the
 11 ~~presence of the other members, the registrar, and the~~
 12 ~~applicant or applicants seeking the recount and remove the~~
 13 ballots.

14 ~~{3} A member of the board shall then remove the~~
 15 ~~ballots from the package or envelope in the presence of the~~
 16 ~~applicant or applicants seeking the recount and the~~
 17 ~~candidate or candidates who received the highest number of~~
 18 ~~votes by the first canvasser.~~

19 ~~{4}{3}~~ One of the members of the board ~~in the~~
 20 ~~presence and view of the candidates and one other board~~
 21 ~~member~~ shall read each ballot aloud. As the ballots are
 22 read, two clerks shall write the votes cast for each person
 23 individual in each precinct, at full length, on previously
 24 prepared tally sheets. The tally sheets shall show the names
 25 of the respective candidates, the office or offices for

1 which a recount is made, and the number of each election
 2 precinct.

3 ~~{5} At the completion of the recount, the tally sheets~~
 4 ~~shall be compared, their correctness ascertained, and the~~
 5 ~~total number of votes cast for each candidate determined.~~

6 ~~{6} If the recount shows the votes for any applicant~~
 7 ~~are more or less than the number shown upon the official~~
 8 ~~returns, the clerk of the board of canvassers shall correct~~
 9 ~~the original returns to state the number of votes~~
 10 ~~ascertained by the recount.~~

11 ~~{7} The board of canvassers shall direct the clerk to~~
 12 ~~enter the result of the election as determined by the~~
 13 ~~recount on the board records."~~

14 NEW SECTION. Section 181. Recounts of votes cast by
 15 machine. The recount board shall remove the seals from the
 16 voting machines in all precincts where a recount is required
 17 and proceed to record the votes cast for all candidates or
 18 on all ballot issues for which the recount is ordered in the
 19 same manner as the count is made after the closing of the
 20 polls. Any paper ballots voted in the precincts shall be
 21 recounted as prescribed in 13-16-402.

22 NEW SECTION. Section 182. Recounts of votes cast by
 23 voting devices. (1) The recount board shall test the
 24 automatic tabulating equipment used for votes cast by voting
 25 devices in the same manner provided in 13-16-201 for

1 preelection testing. However, the board shall prepare a new
2 group of preaudited ballots for this test. If the test does
3 not show any errors, the votes cast for the candidates or on
4 the issues for which a recount is ordered shall be recounted
5 by the tabulating equipment.

6 (2) If any errors are found in the test or if any
7 questions remain as to the accuracy of the count, the board
8 may have the program and equipment checked by a qualified
9 individual who did not participate in the original
10 preparation of the program and equipment.

11 (3) The board may also order manual counting of the
12 votes cast if they believe it is necessary to resolve all
13 questions relating to the election.

14 (4) The board may remove the seals from any voting
15 device and check the ballot on the device with the official
16 certification of the ballot arrangement for each precinct.

17 (5) Any paper ballots voted in a precinct shall be
18 recounted as prescribed in 13-16-402.

19 (6) Write-in votes shall be recounted in the same
20 manner as the count is made after the closing of the ballot.

21 NEW SECTION. Section 183. Recount totals. After a
22 recount is completed, tally sheets shall be compared and the
23 correctness of all reports of votes cast ascertained. The
24 totals for each candidate or on each issue shall be compiled
25 and checked for accuracy.

1 NEW SECTION. Section 184. Report of recount. (1) If
2 the recount shows the votes for any candidate or on any
3 ballot issue are more or less than the number shown upon the
4 official returns, the secretary of the recount board shall
5 prepare a corrected report which states the number of votes
6 ascertained by the recount.

7 (2) The recount board shall direct the secretary to
8 enter the result of the election as determined by the
9 recount in the board records.

10 Section 185. Section 13-16-403, MCA, is amended to
11 read:

12 "13-16-403. Sealing recounted ballots, machines, or
13 devices. (1) When the recount in a precinct has been
14 finished, the ballots each ballot shall again be sealed in
15 the same package or envelope in the presence of the
16 registrer election administrator and the members--of--the
17 recount board of--convessers and shall be delivered to the
18 registrer election administrator for custody.

19 (2) All voting machines or devices from which seals
20 have been removed shall be resealed in the presence of the
21 election administrator and the recount board and shall be
22 delivered to the election administrator for custody.

23 (3) All other materials used in the recount that are
24 required to be sealed shall be resealed in the same manner
25 and delivered to the election administrator for custody."

Section 186. Section 13-16-404, MCA, is amended to read:

"13-16-404. Procedure after recount. (1) Immediately after the recount, the county recount board shall certify the result.

(2) At least two members of the board shall sign the certificate, and it shall be attested to under seal by the ~~register election administrator~~.

(3) The certificate shall set forth in substance the proceedings of the board and ~~the~~ appearance of any candidates or representatives, ~~and it~~ The certificate shall adequately designate each precinct recounted, the vote of each precinct according to the official canvass previously made, the nomination, position, or question involved, and the correct vote of each precinct as determined by the recount.

(4) When the certificate relates to a recount for a congressional office, a state or district office voted on in more than one county, a legislative office, or an office of judge of the district court or a ballot issue voted on in more than one county, the certificate shall be made in duplicate. One copy shall be transmitted immediately to the secretary of state by certified ~~or registered~~ mail.

(5) (a) If the recount relates to a county, ~~municipal~~, or district office voted for in only one county, other than

~~that of~~ a legislator or a judge of the district court, or a precinct office or a ballot issue voted on in only one county, the county recount board shall immediately recanvass the returns as corrected by the certificate showing the result of the recount and make a corrected abstract of the votes.

(b) If the corrected abstract shows no change in the result, no further action need be taken.

(c) If there is a change in the result, a new certificate of election or nomination shall be issued to each candidate found to be elected or nominated, and the first certificate is void. The person individual receiving the second certificate shall be elected or nominated to the office."

Section 187. Section 13-16-501, MCA, is amended to read:

"13-16-501. Tie vote after recount. (1) If the recount shows a tie vote for any office and it cannot be determined who has been nominated or elected, the office or position shall be filled as provided by this part by the primary election. The election officer with whom the candidates' nominating declarations or petitions were filed shall determine by lot which candidate shall be nominated. Written notice of the time and place of the drawing shall be given to each candidate involved.

1 (2) If the recount after a general election shows a
 2 tie vote and it cannot be determined who has been elected,
 3 the office or position shall be filled as provided by
 4 13-16-502 through 13-16-506."

5 Section 188. Section 13-16-502, MCA, is amended to
 6 read:

7 "13-16-502. Tie vote in election for United States
 8 representative ~~congress~~. If there is a tie vote for United
 9 States representative or senator, the secretary of state
 10 shall send a certified statement to the governor showing the
 11 votes cast, and the governor shall order a special
 12 election."

13 Section 189. Section 13-16-503, MCA, is amended to
 14 read:

15 "13-16-503. Tie in election for supreme court justice,
 16 district court judge, or state legislator. If there is a tie
 17 vote for justice of the supreme court, judge of a district
 18 court, or member of the legislature, the secretary of state
 19 shall send a certified statement to the governor showing the
 20 vote ~~votes~~ cast for each person individual, and the governor
 21 shall appoint ~~an-eligible-person~~ one of those candidates to
 22 hold the office."

23 Section 190. Section 13-16-504, MCA, is amended to
 24 read:

25 "13-16-504. Tie vote in election for state executive

1 officers. ~~††~~ If there is a tie vote for governor and
 2 lieutenant governor, secretary of state, attorney general,
 3 state auditor, clerk of the supreme court, superintendent of
 4 public instruction, or any other state executive officer,
 5 the secretary of state shall transmit a certified copy of
 6 the statement to the legislature showing the votes cast for
 7 the two or more candidates having an equal and the highest
 8 number of votes. ~~the~~ The legislature, at its next regular
 9 session, shall elect ~~a person~~ one of these candidates to
 10 fill the office by joint ballot of the two houses.

11 ~~(2) If there is a tie vote for state officers, the~~
 12 ~~secretary of state shall transmit a certified copy of the~~
 13 ~~statement to the legislature showing the votes cast for the~~
 14 ~~two or more persons having an equal and the highest number~~
 15 ~~of votes."~~

16 Section 191. Section 13-16-505, MCA, is amended to
 17 read:

18 "13-16-505. Tie vote in election for county
 19 commissioner. If there is a tie vote for commissioner, the
 20 senior district judge shall appoint ~~an-eligible--person~~ one
 21 of the candidates who tied to fill the office as in other
 22 cases of vacancy."

23 Section 192. Section 13-16-506, MCA, is amended to
 24 read:

25 "13-16-506. Tie vote in election for other county

officers. If there is a tie vote for clerk of the district court, county attorney, or any county officers except county commissioner, the commissioners shall appoint ~~an eligible~~ person one of the candidates who tied to fill the office as in case of other vacancies in the office cases of vacancy."

NEW SECTION. Section 193. Tie vote in election for officers of nonspecified political subdivision. If there is a tie vote for an officer of any political subdivision not specifically provided for in this part, the governing body of that jurisdiction shall appoint one of the candidates who tied to fill the office as in other cases of vacancy.

Section 194. Section 13-17-101, MCA, is amended to read:

"13-17-101. Secretary of state to approve voting machines and devices. (1) Before any voting machine or device can be used for any election in this state, the secretary of state shall:

(a) examine the machine or device to determine if it complies with the requirements of this chapter;

(b) within 30 days after examining a machine or device, file a report of the examination in his office on ~~each machine examined;~~

(c) include in the report the reasons for approval or disapproval of the use of the machine or device and his opinion of the economic and procedural impact of the use of

the machine or device by the various classes of counties of this state; and

~~(c)(d)~~ within 5 days after filing the report, transmit to the ~~commissioners, city council, or other board having control of elections in~~ election administrator of each county or city a list of the machines approved a copy of the report.

(2) ~~A machine shall~~ Voting machines and devices may not be used unless approved by the secretary of state 60 days or more prior to the election at which they will be used."

Section 195. Section 13-17-102, MCA, is amended to read:

"13-17-102. Use of qualified ~~mechanics~~ technicians and advisors. (1) The secretary of state may employ and compensate qualified ~~mechanics~~ technicians and advisors who are electors of this state to assist him in duties required by ~~this chapter 13-17-101.~~ Advisors who are public officers or employees shall serve without additional compensation other than expenses of attending the examination if the examination takes place during their regular working hours.

(2) The person or company submitting a machine or device for examination ~~before the filing of the report~~ shall pay the compensation and expenses of ~~mechanics~~ technicians and advisors connected with the examination to the secretary

of state for deposit in the state general fund. The secretary of state and the person or company shall reach agreement on the number of technicians and advisors to be compensated before the examination is held."

Section 196. Section 13-17-103, MCA, is amended to read:

"13-17-103. Required specifications of--~~machines for equipment.~~ ~~(1)~~ A machine-or-machine-system voting machine or device may not be approved unless:

~~(a)~~ (1) an elector can vote in secrecy--~~as he is entitled to vote by law;~~

~~(b)~~ (2) an elector is prevented from voting for any candidate or upon any question ballot issue more than once and is also prevented from voting ~~for any person or~~ on any ~~proposition--if office or ballot issue for which~~ he is not entitled to vote;

~~(3) an elector can secretly select the party for which he wishes to vote in a primary election and the machine or device will count only votes for the candidates of that party by the elector in the primary election;~~

~~(c)~~ (4) an elector can vote a split ticket in a general election if he desires;

~~(d)~~ (5) every valid vote cast is registered and recorded;

(6) the machine or device is constructed so that it

cannot be tampered with for a fraudulent purpose and is also constructed so that during the progress of the voting no individual can see or know the number of votes registered for any candidate or on any ballot issue;

(7) it allows write-in voting; and

(8) a guarantee to provide training and assistance to election officials will be included in each contract for purchase of the machine or device.

~~(2)--The--machine-or-machine-system-must-be-constructed so-that-it-cannot-be-tampered-with-for-a-fraudulent--purpose and--must-also-be-constructed-so-that-during-the-progress-of the-voting-no-person-can-see-or-know--the--number--of--votes registered-for-any-candidate-or-on-any-propositions"~~

Section 197. Section 13-17-104, MCA, is amended to read:

"13-17-104. Providing voting machines or devices -- payment. (1) Commissioners-and-councils The county governing body may provide approved voting machines or devices as practicable.

~~(2)--Not-later-than-September-18--prior--to--a--general election--the--commissioners-or-council-of-a-city-may-unite two-or-more-precincts-to-use-a-voting-machine--Notice-of-the consolidation-shall-be-given-as-provided--by--law--for--the change-of-election-districts.~~

~~(3)~~ (2) Funds for voting machines or devices may be

provided by ~~interest-bearing bonds, certificates of~~
~~indebtedness or other obligations. The term of the bonds~~
~~certificates or other obligations may not exceed 10 years~~
~~and they shall not be issued or sold at less than par~~ the
same methods available for other capital equipment purchases
by the county.

(3) The governing body of a county may put the
question of purchasing voting machines or devices or the
question of which type of voting machine or device to
purchase to the registered electors of the county by the
same method that any other question is referred to the
electors."

Section 198. Section 13-17-105, MCA, is amended to
 read:

"13-17-105. Experimental use of machines or devices.
~~Officials authorized to adopt voting machines~~ The governing
body of a county may provide for the experimental use at an
 election of a voting machine or device that has been
 approved by the secretary of state in one or more precincts
 without a formal adoption or purchase of the machine or
device. ~~The~~ Its use at ~~on the~~ election is valid for all
 purposes as if the machine equipment had been formally
 adopted or purchased."

Section 199. Section 13-17-106, MCA, is amended to
 read:

"13-17-106. General election laws to apply. All laws
 applicable to elections where voting is not done by machine
or device and all penalties prescribed for violations of
 those laws apply to elections and precincts where voting
 machines or devices are used if they are not in conflict
 with the provisions of this chapter."

NEW SECTION. Section 200. Secretary of state to
 prescribe rules. (1) The secretary of state may prescribe
 rules for the submission of voting machines and devices for
 examination and additional requirements for approval of
 machines and devices.

(2) The secretary of state shall prescribe rules for
 the complete procedures necessary to use each type of voting
 machine or device now approved for use in this state and for
 each type of machine or device approved for use under the
 provisions of [Title 13, chapter 17].

Section 201. Section 13-17-201, MCA, is amended to
 read:

"13-17-201. ~~Registrar~~ Election administrator to
 instruct election judges. (1) Before each election, the
~~registrar~~ election administrator shall instruct all election
 judges in the use of the machine machines or devices and
 their duties. He shall give to each election judge who has
 received instruction and is fully qualified to conduct the
 an election with the machine a certificate to that effect.

1 ~~{2}--The registrar shall call meetings of the election~~
 2 ~~judges--as--necessary--for--instructions--Election judges shall~~
 3 ~~attend--meetings--as--necessary--to--receive--the--proper~~
 4 ~~instructions~~

5 {3}{2} An A chief election judge may not serve if in a
 6 precinct where voting machines or devices are used unless he
 7 has received instruction, is fully qualified to perform
 8 duties in connection with the machine or device, and has
 9 received a certificate to that effect from the registrar
 10 election administrator. However, ~~this section does not~~
 11 ~~prevent on emergency appointment of an election judge.~~

12 Section 202. Section 13-17-203, MCA, is amended to
 13 read:

14 "13-17-203. Publication of information concerning
 15 machines or devices. (1) Not more than 10 or less than 3
 16 days before an election at which voting machines are or
 17 devices will be used, the registrar or city clerk election
 18 administrator shall publish on radio or television as
 19 provided in 2-3-105 through 2-3-107 or in a newspaper of
 20 general circulation in the county:

21 {1}{a} a diagram showing the voting machine with
 22 officer or device and ballot arrangement (in newspaper
 23 only) tabs;

24 {2}{b} a statement of the locations where voting
 25 machines or devices are on public exhibition;

1 ~~{3}{c}~~ illustrated instructions on how to vote.

2 Section 203. Section 13-17-204, MCA, is amended to
 3 read:

4 "13-17-204. Voting machine machines or devices to be
 5 exhibited. A voting machine or device shall be on exhibition
 6 in the office of the registrar ~~or city clerk~~ election
 7 administrator of counties where voting ~~machines~~ such
 8 equipment are is used and may be exhibited at other
 9 locations. The registrar ~~or city clerk~~ election
 10 administrator shall demonstrate the voting machine machine
 11 or device to any inquiring voter elector."

12 Section 204. Section 13-17-206, MCA, is amended to
 13 read:

14 "13-17-206. Arrangement of machine ballot. {1} ~~in~~
 15 ~~primary elections a separate row or column shall be assigned~~
 16 ~~to each political party and at least one row shall separate~~
 17 ~~the rows assigned to the two major political parties this~~
 18 ~~row shall be used for the nonpartisan judicial ballot the~~
 19 ~~placement of the nonpartisan judicial ballot shall be such~~
 20 ~~that the ballot of each political party appears in an~~
 21 ~~unbroken row or column~~

22 {2} ~~The candidates for president and vice president~~
 23 ~~shall appear on the machine ballot Presidential electors~~
 24 ~~shall not appear on the machine~~

25 ~~{3} in general elections the ballot shall be arranged~~

1 and the names of the candidates rotated to conform as nearly
2 as possible to the requirements for paper ballots.

3 (4) Candidates of the two major parties shall be
4 rotated between the first two horizontal rows or vertical
5 columns, and candidates of minor parties and independent
6 candidates shall be rotated between succeeding rows or
7 columns.

8 (5) The party designation of each candidate shall
9 appear below his name in type as large as machine design
10 will allow.

11 (6) The judicial ballot shall appear in the first two
12 horizontal or vertical rows or columns as prescribed by
13 13-12-207. The order and arrangement of ballots to be used
14 with voting machines or devices shall be the same as paper
15 ballots insofar as possible and shall be prescribed by the
16 secretary of state before each election."

17 Section 205. Section 13-17-301, MCA, is amended to
18 read:

19 "13-17-301. Placement of machines equipment -- time
20 for use. (1) The exterior of the voting machines or devices
21 or the booths in which they are placed and every part of the
22 polling place shall be in plain view of the election judges.

23 (2) The machines shall be placed so that other persons
24 on the premises cannot see how the voter casts his vote.
25 The election judges shall not permit any person to remain in

1 any position that would permit him or them to see how the
2 voter votes or has voted.

3 (3) (2) A voter shall an elector may not remain within
4 the voting machine or device booth or compartment longer
5 than is reasonably necessary to vote. If he refuses to
6 leave, the election judges shall remove him."

7 Section 206. Section 13-17-305, MCA, is amended to
8 read:

9 "13-17-305. Request to use paper ballots. Where voting
10 machines or devices are used, an elector may request to vote
11 by paper ballot instead of using the voting machines machine
12 or device. The election judges shall provide the elector
13 with a paper ballot when requested. Paper ballots shall be
14 cast and counted by the election judges in the manner
15 provided by law."

16 Section 207. Section 13-17-306, MCA, is amended to
17 read:

18 "13-17-306. Use of separate paper ballots for voting
19 on certain money issues when machines do not allow proper
20 lockout candidates or issues. In precincts where whenever a
21 voting machines are used and the machines do machine or
22 device does not allow proper lockout or does not allow
23 adequate space for the candidates for all offices or for all
24 ballot issues, separate paper ballots shall may be issued
25 used for money issues which do not involve the question of

1 ~~(1) incurring of a state indebtedness~~
 2 ~~(2) issuance of state bonds or debentures other than~~
 3 ~~for refunding or~~
 4 ~~(3) the levy of a tax for state purposes~~ some or all
 5 offices or ballot issues if written authorization is given
 6 to the election administrator by the secretary of state."

7 Section 208. Section 13-25-101, MCA, is amended to
 8 read:

9 "13-25-101. Nomination of electors -- ballot. (1) Each
 10 political party qualified under 13-10-601 shall nominate
 11 presidential electors for this state and file certificates
 12 of nomination for these candidates with the secretary of
 13 state no later than 45 days before the general election.
 14 ~~certificates of nomination for these candidates at the time~~
 15 ~~and~~ in the manner and number provided by law.

16 (2) The secretary of state shall certify to the
 17 ~~registrars~~ election administrator the names of the
 18 candidates for president and vice president of the several
 19 political parties, which shall be printed on the ballot.

20 (3) The names of candidates for electors of president
 21 and vice president ~~shall~~ may not be printed upon the
 22 ballot."

23 Section 209. Section 13-25-203, MCA, is amended to
 24 read:

25 "13-25-203. Vacancy in office of United States

1 representative. (1) Whenever If a vacancy occurs in the
 2 office of United States representative, the governor shall
 3 immediately order an issue a writ of election to be held to
 4 fill the vacancy, except as provided in subsection (3) of
 5 this section.

6 (2) ~~The election to fill the vacancy shall be held~~
 7 ~~within 3 months from the time the vacancy occurs. The~~
 8 election to fill the unexpired term shall be held within 90
 9 days from the time the vacancy occurs, except that if the
 10 vacancy occurs 150 days or less before a primary election or
 11 between the primary and general elections in odd-numbered
 12 years, the election shall be held with the primary or
 13 general election.

14 (3) If the vacancy occurs between the primary and
 15 general election in even numbered years, the candidate
 16 elected to the office for the succeeding full term shall
 17 immediately take office to fill the unexpired term.

18 NEW SECTION. Section 210. Nominations for special
 19 election. (1) When a special election is ordered to fill a
 20 vacancy in the office of United States senator or United
 21 States representative, each political party shall choose a
 22 candidate according to the rules of the party. Nominations
 23 by parties shall be made no later than 50 days before the
 24 date set for the election.

25 (2) Nominating petitions may be filed by independent

1 candidates for the office up to 5:00 p.m. of the 50th day
2 before the election.

3 Section 211. Section 13-26-109, MCA, is amended to
4 read:

5 "13-26-109. Certificate of result -- transmission to
6 secretary of state of United States. When the convention has
7 agreed by majority vote of delegates attending the
8 convention, a certificate of the result shall be executed by
9 the president and secretary and transmitted to the secretary
10 of state of the United States. A duplicate of the
11 certificate shall be filed with the secretary of state of
12 Montana."

13 Section 212. Section 13-27-307, MCA, is amended to
14 read:

15 "13-27-307. Consideration and counting tabulation of
16 signatures by secretary of state. (1) The secretary of state
17 shall consider and count tabulate only such signatures on
18 petitions as are certified by the proper county official,
19 and each such certificate is prima facie evidence of the
20 facts stated therein. However, the secretary of state may
21 consider and count tabulate any signature not certified by
22 the county official that is certified by a notary public of
23 the county in which the signer resides to be the genuine
24 signature of an elector legally qualified to sign the
25 petition.

1 (2) The official certificate of the notary public for
2 any signature not certified as valid by the county official
3 shall be in substantially the following form:

4 State of Montana) ss
5 County of)

6 I, (name), a duly qualified and acting notary
7 public in and for the above-named county and state, do
8 hereby certify that I am personally acquainted with each of
9 the following-named electors whose signatures are affixed to
10 the annexed (petition) (copy of a petition), and I know of
11 my own knowledge that they are registered electors of the
12 state of Montana and of the county and legislative district
13 written after their names in the petition and that their
14 post-office address--~~is~~ addresses are correctly stated
15 therein.

16(Names of such electors)

17 In Testimony-Whereof testimony whereof, I have hereunto
18 set my hand and official seal this day of, 19...

19 (Signature)
20 Seal (Notarial information)"

21 Section 213. Section 13-27-311, MCA, is amended to
22 read:

23 "13-27-311. Newspaper---publication Publication of
24 proposed constitutional amendments. (1) If a proposed

constitutional amendment or amendments are submitted to the people, the secretary of state shall have the proposed amendment or amendments published in full twice each month for 2 months previous to the election at which they are to be voted upon by the people, in not less than one newspaper of general circulation in each county.

(2) The secretary of state may arrange for newspapers, radio, or television publication of proposed constitutional amendments in each county. A summary of the amendment as provided by the attorney general, as described in 13-27-312, would suffice for the publication required by this section and should be made at least twice each month for 2 months previous to the election."

Section 214. Section 13-27-402, MCA, is amended to read:

"13-27-402. Committees to prepare arguments for and against ballot issues. The arguments advocating approval or rejection of the ballot issue and rebuttal arguments shall be submitted to the secretary of state by committees appointed as provided in this subsection section:

(1) The committee advocating approval of an act referred to the people or a constitutional amendment proposed by the legislature or an act referred to the people by referendum petition shall be composed of one senator known to favor the measure, appointed by the president of

the senate; one representative known to favor the measure, appointed by the speaker of the house of representatives; and one member individual who need not be a member of the legislature, appointed by the first two members.

(2) The committee advocating rejection of a ballot issue referred to the people or proposed by the legislature shall be composed of one senator appointed by the president of the senate; one representative appointed by the speaker of the house of representatives; and one member individual who need not be a member of the legislature, appointed by the first two members. Whenever possible, the members shall be known to have opposed the issue.

(3) A three-member committee advocating approval of a ballot issue proposed by any type of initiative petition or advocating rejection of any ballot issue that is a legislative act referred to the people by referendum petition shall be appointed by the ~~chairman--of--the organization--that--was--first--on--record--with--the--commissioner of--campaign--finances--and--practices--as--a--proponent--of--the~~ petition person submitting the petition to the secretary of state under the provisions of 13-37-202.

(4) A committee advocating rejection of a ballot issue proposed by any type of initiative petition shall be composed of five members. The governor, attorney general, president of the senate, and speaker of the house of

representatives shall each appoint one member, and the fifth member shall be appointed by the first four members. All members shall be known to favor rejection of the issue."

Section 215. Section 13-35-106, MCA, is amended to read:

"13-35-106. Ineligibility to hold office because of conviction. In addition to all other penalties prescribed by law:

(1) a candidate who is convicted of violating any provision of this title, except 13-35-207~~(10)~~(9), is ineligible to be a candidate for any public office in the state of Montana until his final discharge from state supervision;

(2) a campaign treasurer who is convicted of violating any provision of this title, except 13-35-207~~(10)~~(9), is ineligible to be a candidate for any public office or to hold the position of campaign treasurer in any campaign in the state of Montana until his final discharge from state supervision;

(3) if an elected official~~white or~~ a candidate for nomination~~was guilty of any act which was wrongful or unlawful or which would be sufficient to cause his removal from office if committed during the general election campaign~~ is adjudicated to have violated any provision of this title, except 13-35-207(9), he shall~~upon conviction~~

be removed from nomination or office, in the same manner as though ~~the act had been committed during the general election as the case may be~~, even though he ~~may have been~~ was regularly nominated or elected and ~~was not guilty of a wrongful or unlawful act during the election at which he was elected to office.~~

Section 216. Section 13-35-107, MCA, is amended to read:

"13-35-107. Voiding election. (1) If a court of competent jurisdiction finds that the violation of any provision of this title by any ~~candidate or political committee person~~ probably affected the outcome of any election, the result of that election may be held void and a special election held within 60 days of that finding. If the violation occurred during a primary election, the court may direct the ~~appropriate political party to select~~ selection of a new candidate according to the provisions of state law ~~and the custom of the party relating to the filling of vacancies on the general election ballot.~~ Except as provided in subsection (2), an action to void an election shall be commenced within 1 year of the date of the election in question.

(2) An action to void a bond election shall be commenced within 60 days of the date of the election in question."

1 Section 217. Section 13-35-202, MCA, is amended to
2 read:

3 "13-35-202. Conduct of ~~officers-and-clerks-of~~ election
4 ~~officials and election judges~~. No ~~An~~ election officer or
5 clerk judge of an election may not:

6 (1) deposit in a ballot box a ballot on which the
7 official stamp, as provided by law, does not appear;

8 (2) prior to putting the ballot of an elector in the
9 ballot box, attempt to find out any name on the ballot or
10 open or examine the folded ballot of an elector;

11 (3) look at any mark made by the voter elector upon
12 the ballot;

13 (4) make or place any mark or device on any folded
14 ballot with the intent to ascertain ~~the name of any person~~
15 ~~for whom how~~ the elector has voted;

16 (5) allow any person individual other than the voter
17 elector to be present at the marking of the ballot except as
18 provided in 13-13-108 and 13-17-303; or

19 (6) make a false statement in a certificate regarding
20 affirmation."

21 Section 218. Section 13-35-207, MCA, is amended to
22 read:

23 "13-35-207. Deceptive election practices. A person is
24 guilty of false swearing, unsworn falsification, or
25 tampering with public records or information, as

1 appropriate, and is punishable as provided in 45-7-202,
2 45-7-203, or 45-7-208, as applicable, whenever the person:

3 (1) falsely represents his name or other information
4 required upon his registry card and causes registration with
5 the card;

6 (2) signs a registry card knowingly witnessing any
7 false or misleading statement;

8 ~~(3) knowingly submits a false report or deliberately~~
9 ~~fails to include information in a report required by this~~
10 ~~title;~~

11 ~~(4) knowingly~~ (3) knowingly causes a false statement,
12 certificate, or return of any kind to be signed;

13 ~~(5) falsely~~ (4) falsely makes a declaration or certificate of
14 nomination;

15 ~~(6) files~~ (5) files or receives for filing a declaration or
16 certificate of nomination knowing that all or part of the
17 declaration or certificate is false;

18 ~~(7) forges~~ (6) forges or falsely makes the official
19 endorsement of a ballot;

20 ~~(8) forges or counterfeits~~ (7) forges or counterfeits returns of an election
21 purporting to have been held at a precinct, municipality, or
22 ward where no election was in fact held;

23 ~~(9) knowingly~~ (8) knowingly substitutes forged or counterfeit
24 returns of election in place of the true returns for a
25 precinct, municipality, or ward where an election was held;

1 ~~(10)~~(9) signs a name other than his own to a petition,
2 signs more than once for the same measure, or signs a
3 petition while not being a qualified elector of the state;
4 or

5 ~~(11)~~(10) makes a false oath or affidavit where an oath
6 or affidavit is required by law."

7 Section 219. Section 13-35-211, MCA, is amended to
8 read:

9 "13-35-211. Electioneering. (1) No person may do any
10 electioneering on election day within any polling place or
11 any building in which an election is being held or within
12 200 feet thereof, which aids or promotes the success or
13 defeat of any candidate or ballot issue to be voted upon at
14 the election.

15 ~~(2) No officer or clerk of election may do any~~
16 ~~electioneering on election day.~~

17 ~~(3)~~(2) No person may buy, sell, give, or provide a
18 political badge, button, or other insignia to be worn at or
19 about the polls on the day of an election, and no such
20 political badge, button, or other insignia may be worn ~~wears~~
21 or display at or about the polls on an election day any
22 badge, button, or other insignia which is designed or tends
23 to aid or promote the success or defeat of any candidate or
24 ballot issue to be voted upon at the election."

25 Section 220. Section 13-35-215, MCA, is amended to

1 read:

2 "13-35-215. Illegal consideration for voting. No
3 person, directly or indirectly, by himself or by any other
4 person in his behalf, may:

5 (1) before or during any election, for voting or
6 agreeing to vote or for refraining or agreeing to refrain
7 from voting at the election or for inducing another to do
8 so:

9 (a) receive, agree, or contract for any money, gift,
10 loan, liquor, valuable consideration, office, place, or
11 employment for himself or any other person; or

12 (b) approach any candidate or agent or person
13 representing or acting on behalf of any candidate ~~at the~~
14 ~~election~~ and ask for or offer to agree or contract for any
15 money, gift, loan, liquor, valuable consideration, office,
16 place, or employment for himself or any other person;

17 (2) after an election, for having voted or refrained
18 from voting or having induced any other person to vote or
19 refrain from voting at the election:

20 (a) receive any money, gift, loan, valuable
21 consideration, office, place, or employment; or

22 (b) approach any candidate or any agent or person
23 representing or acting on behalf of any candidate and ask
24 for or offer to receive any money, gift, loan, liquor,
25 valuable consideration, office, place, or employment for

1 himself or any other person."

2 Section 221. Section 13-35-225, MCA, is amended to
3 read:

4 "13-35-225. Election materials not to be anonymous. It
5 ~~is unlawful to write, print, publish, mimeograph, type, or~~
6 ~~otherwise produce or circulate through the mails or~~
7 ~~otherwise any letters, circulars, bills, dodgers, pamphlets,~~
8 ~~placards, posters or other document relating to any election~~
9 ~~or to any candidate, political party, political committee,~~
10 ~~or ballot issue at any election, unless the same bears on~~
11 ~~its face the name and address of the person paying for the~~
12 ~~printing or publishing and the name of the printer and~~
13 ~~publisher. A person writing, printing, publishing,~~
14 ~~circulating, posting, mimeographing, typing or causing to~~
15 ~~be written, printed, circulated, posted, mimeographed,~~
16 ~~typed or published any such letters, bills, placards, dodgers,~~
17 ~~pamphlets, circulars, posters or other document which fails to~~
18 ~~bear on its face the name and address of the person paying~~
19 ~~for the printing or publishing and the name of the printer~~
20 ~~or publisher is guilty of an illegal practice and shall on~~
21 ~~conviction thereof be punished by a fine of not less than~~
22 ~~\$10 or more than \$10,000. (1) Whenever any person makes an~~
23 ~~expenditure for the purpose of financing communications~~
24 ~~advocating the success or defeat of a candidate, political~~
25 ~~party, or ballot issue through any broadcasting station,~~

1 ~~newspaper, magazine, outdoor advertising facility, direct~~
2 ~~mailing, poster, handbill, bumper sticker, or other form of~~
3 ~~general political advertising, such communication shall~~
4 ~~clearly and conspicuously state the name and address of the~~
5 ~~printer, if printed commercially, and the name and address~~
6 ~~of the person who made or financed the expenditure for the~~
7 ~~communication; including, in the case of a political~~
8 ~~committee, the name and address of the treasurer.~~

9 (2) If any document or other article of advertising is
10 too small for the requirements of subsection (1) to be
11 conveniently included or if necessary information is
12 inadvertently omitted, the person financing the
13 communication shall file a copy of the article with the
14 commissioner, together with the required information."

15 Section 222. Section 13-35-226, MCA, is amended to
16 read:

17 "13-35-226. Unlawful acts of employers and employees.
18 (1) It is unlawful for any employer, in paying his employees
19 the salary or wages due them, to enclose include with their
20 pay in pay envelopes upon which is written or printed the
21 name of any candidate or any political mottoes, devices, or
22 arguments containing threats or promises (express or
23 implied) calculated or intended to influence the political
24 opinions or actions of ~~such the~~ employees. It is unlawful
25 for an employer to exhibit in a place where his workers or

1 employees may be working any handbill or placard containing
 2 any threat, promise, notice, or information that in case any
 3 particular ticket or political party, organization, or
 4 candidate is elected, work in his place or establishment
 5 will cease, in whole or in part, or will be continued or
 6 increased; his place or establishment will be closed; the
 7 salaries or wages of his workers or employees will be
 8 reduced or increased; or other threats or promises (express
 9 or implied) intended or calculated to influence the
 10 political opinions or actions of his workers or employees.
 11 This section shall apply to corporations, individuals, and
 12 public officers and employees.

13 (2) No person may attempt to coerce, command, or
 14 require a public employee to give money, service, or other
 15 thing of value to aid or promote any political committee or
 16 to aid or promote the nomination or election of any person
 17 to public office.

18 (3) No public employee may solicit any money,
 19 influence, service, or other thing of value or otherwise aid
 20 or promote any political committee or the nomination or
 21 election of any person to public office while on the job or
 22 at his place of employment. However, nothing in this
 23 section is intended to restrict the right of a public
 24 employee to express his personal political views.

25 (4) Any person who violates the provisions of this

1 section shall be fined not to exceed \$1,000, be imprisoned
 2 in the county jail for a term not to exceed 6 months, or
 3 both, for each separate offense."

4 Section 223. Section 13-35-231, MCA, is amended to
 5 read:

6 "13-35-231. Unlawful for political party to endorse
 7 judicial candidate. A political party ~~which endorses~~ may not
 8 endorse, contribute to, or make an expenditure to support or
 9 oppose a judicial candidate for justice of the supreme court
 10 or district court judge; a person who participates in an
 11 endorsement by a political party or a person who acts on
 12 behalf of a political party in endorsing a judicial
 13 candidate is guilty of a misdemeanor."

14 Section 224. Section 13-36-101, MCA, is amended to
 15 read:

16 "13-36-101. Grounds for contest of nomination or
 17 election to public office. An elector ~~of the state or of any~~
 18 ~~political or municipal division thereof~~ may contest the
 19 right of any person to any nomination or election to public
 20 office for which the elector has the right to vote, for any
 21 of the following causes:

22 (1) on the ground of a deliberate, serious, and
 23 material violation of any provision of the law relating to
 24 nominations or elections;

25 (2) whenever the person whose right is contested was

not, at the time of the election, eligible to such office;
 (3) on account of illegal votes or an erroneous or
 fraudulent count or canvass of votes."

Section 225. Section 13-36-102, MCA, is amended to
 read:

"13-36-102. Time for commencing contest. (1) Five days
 or less after a person candidate has been certified as
 nominated, any a person wishing to contest the nomination to
 any ~~statev-countyv-districtv-precinctv-or-city~~ public office
 shall give notice in writing to the person candidate whose
 nomination he intends to contest, briefly stating the cause
 for the contest. The contestant shall make application to
 the district court judge in the county where the contest is
 to be had. The judge shall then set the time for the
 hearing. The contestant shall serve notice 3 days before the
 hearing is scheduled. The notice shall state the time and
 place of the hearing.

(2) Any action to contest the right of ~~any person a~~
candidate to be declared elected to an office or to annul
 and set aside such election or to remove from or deprive any
 person of an office of which he is the incumbent for any
 offense mentioned in this title must, unless a different
 time ~~be is~~ stated, be commenced within 1 year after the
 return day of the election at which such offense was
 committed."

Section 226. Section 13-36-103, MCA, is amended to
 read:

"13-36-103. Court having jurisdiction of proceedings.
 An application for filing a statement, payment of a claim,
 or correction of an error or false recital in a filed
 statement or an action or proceeding to annul and set aside
 the election of any person declared elected to an office or
 to remove or deprive any person of his office for an offense
 mentioned in this title or any petition to excuse any person
 or candidate in accordance with the power of the court to
 excuse, as provided in 13-36-209, must be made or filed in
 the district court of the county in which the certificate,
declaration, or acceptance of his nomination as a candidate
 for the office to which he is declared nominated or elected
 is filed or in which the incumbent resides."

Section 227. Section 13-36-202, MCA, is amended to
 read:

"13-36-202. Reception of illegal votes -- allegations
 and evidence. When the reception of illegal votes is alleged
 as a cause of contest, it shall be sufficient to state
 generally that in one or more specified voting precincts
 illegal votes were given to the person candidate whose
 nomination or election is contested which, if taken from
 him, will reduce the number of his legal votes below the
 number of legal votes given to some other person candidate

1 for the same office. No testimony shall be received of any
 2 illegal votes unless the party contesting such election
 3 delivers to the opposite party, at least 3 days before such
 4 trial, a written list of the number of illegal votes (and by
 5 whom given) which he intends to prove on such trial. This
 6 provision shall not prevent the contestant from offering
 7 evidence of illegal votes not included in such statement if
 8 he did not know and by reasonable diligence was unable to
 9 learn of such additional illegal votes (and by whom they
 10 were given) before delivering such written list."

11 Section 228. Section 13-36-205, MCA, is amended to
 12 read:

13 "13-36-205. Recovery of costs. ~~If the petitioner~~
 14 ~~prevails, he~~ In any contest, the prevailing party may
 15 recover his costs, disbursements, and reasonable attorney's
 16 fees ~~against the contestee~~. Costs, disbursements, and
 17 attorney's fees, in all such cases, shall be in the
 18 discretion of the court. In case judgment is rendered
 19 against the petitioner, it shall also be rendered against
 20 the sureties on the bond."

21 Section 229. Section 13-36-207, MCA, is amended to
 22 read:

23 "13-36-207. Hearing of contest. The petitioner
 24 (contestant) and the contestee may appear and produce
 25 evidence at the hearing, but no person other than the

1 petitioner and contestee may be made a party to the
 2 proceedings on such petition and no person other than the
 3 parties and their attorneys may be heard thereon, except by
 4 order of the court. If more than one petition is pending or
 5 the election of more than one person is contested, the court
 6 may, in its discretion, order the cases to be heard together
 7 and may apportion the costs, disbursements, and attorney's
 8 fees between them and shall finally determine all questions
 9 of law and fact, ~~save only except~~ that the judge may, in his
 10 discretion, impanel a jury to decide on questions of fact.
 11 In the case of nominations or elections other than for
 12 federal congressional offices, the court shall immediately
 13 certify its decision to the board governing body or official
 14 issuing certificates of ~~nomination or~~ election, and the
 15 board governing body or official shall thereupon issue
 16 certificates of ~~nomination or~~ election to the person or
 17 persons entitled thereto by the court's decision. If
 18 judgment of ouster against a defendant is rendered, the
 19 nomination or office shall be by the judgment declared
 20 vacant, except as provided in 13-36-212, and shall thereupon
 21 be filled by a new election or by appointment as may be
 22 provided by law regarding vacancies in such nomination or
 23 office."

24 Section 230. Section 13-37-111, MCA, is amended to
 25 read:

"13-37-111. Investigative powers and duties. (1) The commissioner of campaign finances and practices shall be responsible for investigating all of the alleged violations of the election laws contained in chapters 35, 36, or 37 of this title and shall in conjunction with the county attorneys be responsible for enforcing ~~all of the state's~~ these election laws.

(2) The commissioner may investigate all statements filed pursuant to the provisions of chapters 35, 36, or 37 of this title and shall also investigate alleged failures to file any statement or the alleged falsification of any statement filed pursuant to the provisions of chapters 35, 36, or 37 of this title. Upon the submission of a written complaint by any individual, the commissioner shall also investigate any other alleged violation of the provisions of chapters 35, 36, or 37 of this title or any rule adopted pursuant thereto.

(3) The commissioner may inspect any records, accounts, or books that must be kept pursuant to the provisions of chapters 35, 36, or 37 of this title which are held by any political committee or candidate, so long as such inspection is made during reasonable office hours.

(4) The commissioner may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books,

papers, correspondence, memoranda, bank account statements of a political committee or candidate, or other records which are relevant or material for the purpose of conducting any investigation pursuant to the provisions of chapters 35, 36, or 37 of this title."

Section 231. Section 13-37-112, MCA, is amended to read:

"13-37-112. Personnel and budget. (1) The commissioner shall select an appropriate staff to enforce the provisions of chapters 35, 36, or 37 of this title, and he may hire and fire all personnel under his supervision.

(2) The commissioner shall be responsible for preparing, administering, and allocating the budget for his office."

Section 232. Section 13-37-113, MCA, is amended to read:

"13-37-113. Hiring of attorneys -- prosecutions. The commissioner may hire or retain attorneys who are properly licensed to practice before the supreme court of the state of Montana to prosecute violations of chapters 35, 36, or 37 of this title. Any properly licensed attorney so retained or hired shall exercise the powers of a special attorney general, and he may prosecute, subject to the control and supervision of the commissioner and the provisions of 13-37-124 and 13-37-125, any criminal or civil action

arising out of a violation of any provision of chapters 35, 36, or 37 of this title. All prosecutions shall be brought in the state district court for the county in which a violation has occurred or in the district court for Lewis and Clark County. The authority to prosecute as prescribed by this section includes the authority to:

(1) institute proceedings for the arrest of persons charged with or reasonably suspected of criminal violations of chapters 35, 36, or 37 of this title;

(2) attend and give advice to a grand jury when cases involving criminal violations of chapters 35, 36, or 37 of this title are presented;

(3) draw and file indictments, informations, and criminal complaints;

(4) prosecute all actions for the recovery of debts, fines, penalties, or forfeitures accruing to the state or county from persons convicted of violating chapters 35, 36, or 37 of this title; and

(5) do any other act necessary to successfully prosecute a violation of any provision of chapters 35, 36, or 37 of this title."

Section 233. Section 13-37-114, MCA, is amended to read:

"13-37-114. Rules. The commissioner shall promulgate and publish rules to carry out the provisions of chapters

35, 36, or 37 of this title and shall promulgate such rules in conformance with the Montana Administrative Procedure Act."

Section 234. Section 13-37-117, MCA, is amended to read:

"13-37-117. Commissioner to provide forms and manuals.

(1) The commissioner shall prescribe forms for statements and other information required to be filed pursuant to chapters 35, 36, or 37 of this title and furnish forms and appropriate information to persons required to file statements and information.

(2) The commissioner shall prepare and publish a manual prescribing a uniform system for accounts for use by persons required to file statements pursuant to chapters 35, 36, or 37 of this title.

(3) The commissioner shall prescribe the manner in which the county clerk and recorders shall receive, file, collate, and maintain reports filed with them under chapters 35, 36, or 37 of this title."

Section 235. Section 13-37-118, MCA, is amended to read:

"13-37-118. Information voluntarily supplied. The commissioner shall accept and file any information voluntarily supplied that exceeds the requirements of chapters 35, 36, or 37 of this title."

1 Section 236. Section 13-37-119, MCA, is amended to
2 read:

3 "13-37-119. Availability of information. (1) The
4 commissioner shall make statements and other information
5 filed with his office available for public inspection and
6 copying during regular office hours and make copying
7 facilities available free of charge or at a charge not to
8 exceed actual cost.

9 (2) The commissioner shall preserve statements and
10 other information filed with his office for a period of 10
11 years from date of receipt.

12 (3) The commissioner shall prepare and publish
13 summaries of the statements received and such other reports
14 as he considers appropriate.

15 (4) The commissioner shall provide for wide public
16 dissemination of summaries and reports.

17 ~~(5) Every individual shall have the right to inspect~~
18 ~~any report or current account that must be kept or filed~~
19 ~~pursuant to the provisions of this title but only if such~~
20 ~~inspection will occur during reasonable office hours and in~~
21 ~~such a manner that normal office functions will not be~~
22 ~~unnecessarily interrupted."~~

23 Section 237. Section 13-37-120, MCA, is amended to
24 read:

25 "13-37-120. Reports. ~~(1)~~ The commissioner shall at the

1 close of each fiscal year report to the legislature and the
2 governor concerning the action he has taken, including the
3 names, salaries, and duties of all individuals in his employ
4 and the money he has disbursed. The commissioner shall also
5 make further reports on the matters within his jurisdiction
6 ~~as that~~ the legislature may prescribe and shall also make
7 recommendations for further legislation ~~as that~~ may appear
8 desirable.

9 ~~(2) After receiving the final campaign contribution~~
10 ~~and expenditure report filed as required by 13-37-225~~
11 ~~through 13-37-226, the commissioner shall inform the~~
12 ~~secretary of state or the city or county clerk and recorder~~
13 ~~that each candidate who has been properly elected to any~~
14 ~~public office has filed his final contribution and~~
15 ~~expenditure report as specified in 13-37-225 through~~
16 ~~13-37-226."~~

17 Section 238. Section 13-37-121, MCA, is amended to
18 read:

19 "13-37-121. Inspection of statements and ~~reports --~~
20 issuance of orders of noncompliance. (1) Each statement ~~and~~
21 ~~report~~ filed with the commissioner during an election or
22 within 60 days thereafter shall be inspected within 10 days
23 after ~~the date upon which the statement~~ ~~it~~ is filed. If a
24 person has not satisfied the provisions of this title
25 ~~chapter~~, the commissioner shall immediately notify the

person of the noncompliance. Such an order of noncompliance shall be issued when:

(a) upon examination of the official ballot, it appears that the person has failed to file a statement or report as required by ~~law~~ this chapter or that a statement or report filed by a person does not conform to law; or

(b) it is determined that a statement or report filed with the commissioner does not conform to the requirements of ~~this title chapter~~ or that a person has failed to file a statement or report required by law.

(2) If an order of noncompliance is issued during a campaign period or within 60 days after an election, a candidate or political committee shall submit the necessary information within 5 days after receiving the notice of noncompliance. Upon a failure to submit the required information within the time specified, the appropriate county attorney or the commissioner may initiate a civil or criminal action pursuant to the procedures outlined in 13-37-124 and 13-37-125.

(3) If an order of noncompliance is issued during any period other than that described in subsection (2), a candidate or political committee shall submit the necessary information within 10 days after receiving the notice of noncompliance. Upon a failure to submit the required information within the time specified, the appropriate

county attorney or the commissioner shall initiate a civil or criminal action pursuant to the procedures outlined in 13-37-124 and 13-37-125."

Section 239. Section 13-37-123, MCA, is amended to read:

"13-37-123. Examination of reports after election. Within 120 days after the date of each election, the commissioner shall examine and compare each statement or report filed with the commissioner pursuant to the provisions of ~~this title chapter~~ to determine whether ~~a the~~ statement or report conforms to the provisions of the law. The examination shall include a comparison of all reports and statements received by the commissioner pursuant to the requirements of ~~this title chapter~~. The commissioner may investigate the source and authenticity of any contribution or expenditure listed in any report or statement filed pursuant to ~~this title chapter~~ or the alleged failure to report any contribution or expenditure required to be reported pursuant to ~~this title chapter~~."

Section 240. Section 13-37-124, MCA, is amended to read:

"13-37-124. Consultation and cooperation with county attorney. (1) Whenever the commissioner determines that there appears to be sufficient evidence to justify a civil or criminal prosecution under ~~the election laws~~ chapters 35,

1 ~~36, or 37~~ of this state ~~title~~, he shall notify the county
2 attorney of the county in which the alleged violation
3 occurred and shall arrange to transmit to the county
4 attorney all information relevant to the alleged violation.
5 If the county attorney fails to initiate the appropriate
6 civil or criminal action within 30 days after he receives
7 notification of the alleged violation, the commissioner may
8 then initiate the appropriate legal action.

9 (2) A county attorney may, at any time prior to the
10 expiration of the 30-day time period specified in subsection
11 (1), waive his right to prosecute and thereby authorize the
12 commissioner to initiate the appropriate civil or criminal
13 ~~action under the election law.~~

14 (3) The provisions of subsection (1) do not apply to a
15 situation in which the alleged violation has been committed
16 by the county attorney of a county. In this instance, the
17 commissioner is authorized to directly prosecute any alleged
18 violation of chapters 35, 36, or 37 of this title.

19 (4) If a prosecution is undertaken by the
20 commissioner, all court costs associated with the
21 prosecution shall be paid by the state of Montana, and all
22 fines and forfeitures imposed pursuant to a prosecution by
23 the commissioner shall be deposited in the state general
24 fund."

25 Section 241. Section 13-37-125, MCA, is amended to

1 read:

2 "13-37-125. Powers of county attorney to investigate.

3 (1) Nothing in chapters 35, 36, or 37 of this title prevents
4 a county attorney from inspecting any records, accounts, or
5 books which must be kept pursuant to the provisions of
6 chapters 35, 36, or 37 of this title that are held by a
7 political committee or candidate involved in an election to
8 be held within the county. However, the inspections must be
9 conducted during reasonable office hours.

10 (2) A county attorney may:

- 11 (a) administer oaths and affirmations;
- 12 (b) subpoena witnesses and compel their attendance;
- 13 (c) take evidence; and

14 (d) require the production of any books,
15 correspondence, memoranda, bank account statements of a
16 political committee or candidate, or other records which are
17 relevant or material for the purpose of conducting any
18 investigation pursuant to the provisions of chapters 35, 36,
19 or 37 of this title."

20 Section 242. Section 13-37-126, MCA, is amended to
21 read:

22 "13-37-126. Names not to be printed on ballot. (1) The
23 name of a candidate shall not be printed on the official
24 ballot for ~~a general or special~~ an election if the candidate
25 or a political treasurer for a candidate fails to file any

statement ~~or report~~ as required by this title chapter.

(2) A vacancy on an official ballot under this section may be filled in the manner provided by law, but not by the name of the same candidate.

(3) In carrying out the mandate of this section, the commissioner must, by a written statement, notify the secretary of state or the city or county clerk or the clerk of a school district election administrator that a candidate or a candidate's political treasurer has not complied with the provisions of this title chapter, as described in subsection (1), and that a candidate's name should not be printed on the official ballot."

Section 243. Section 13-37-127, MCA, is amended to read:

"13-37-127. Withholding of certificates of nomination or election. (1) No A certificate of election shall not be granted to any candidate until he or his political treasurer has filed the reports and statements that must be filed pursuant to the provisions of this title chapter. No candidate for an elective office may assume the powers and duties of that office until he has received a certificate of election as provided by law. A certificate of election shall only be issued by the public official responsible for issuing a certificate or commission of election--after receiving written assurance from--the--commissioner--that--a

candidate--has--filed--all--of--the--reports--that--must--be--filed pursuant--to--the--provisions--of--this--title.

(2) In carrying out the mandate of this section, the commissioner must, by written statement, notify the public official responsible for issuing a certificate of nomination or election that a candidate or his treasurer has complied with the provisions of this chapter as described in subsection (1) and that a certificate of nomination or election may be issued."

NEW SECTION. Section 244. Cause of action created.

(1) Except as provided in 13-37-306, any person who intentionally or negligently violates any of the reporting provisions of [Title 13, chapter 37,] shall be liable in a civil action brought by the commissioner or a county attorney pursuant to the provisions outlined in 13-37-124 and 13-37-125 for an amount not more than the amount or value not properly reported.

(2) Any person who makes or receives a contribution or expenditure in violation of 13-35-225, 13-35-227, 13-35-228, or [Title 13, chapter 37,] is liable in a civil action brought by the commissioner or a county attorney pursuant to the provisions outlined in 13-37-124 and 13-37-125 for an amount up to \$500 or three times the amount of the unlawful contribution or expenditure, whichever is greater.

NEW SECTION. Section 245. Liability and disposition

of fines. In determining the amount of liability under [section 244], the court may take into account the seriousness of a violation and the degree of culpability of the defendant. If a judgment is entered against the defendant or defendants in an action brought by a county attorney, the county shall receive 50% of the amount recovered. The remaining 50% shall be deposited in the general fund of the state. In an action brought by the commissioner, the entire amount recovered shall be paid to the general fund of the state.

NEW SECTION. Section 246. Limitation of action. No action may be brought under [section 245 and section 246] more than 4 years after the occurrence of the facts which give rise to the action. No more than one judgment against a particular defendant may be had on a single state of facts. The civil action created in [section 245 and section 246] shall be the exclusive remedy for violation of the contribution, expenditure, and reporting provisions of this chapter, except as provided in 13-37-306. These provisions are not subject to the misdemeanor penalties of 13-35-103 but may be a ground for contest of election or removal from office as provided in 13-35-106(3) and Title 13, chapter 36.

Section 247. Section 13-37-201, MCA, is amended to read:

"13-37-201. Campaign treasurer. Except as provided in

13-37-206, each candidate for nomination or election to office and each political committee shall appoint one campaign treasurer. No contribution shall be received or expenditure made by or on behalf of a candidate or political committee until the candidate or political committee appoints a campaign treasurer and certifies certify the full name and complete address of the campaign treasurer pursuant to this section. A candidate shall file the certification within 5 days after becoming a candidate. A political committee shall file the the certification, which shall include an organizational statement, properly acknowledged by a notary public, and setting set forth of the name and address of the campaign treasurer and all other officers, if any, of the political committee, within 5 days after it makes an expenditure or authorizes another person to make an expenditure on its behalf, whichever occurs first. The certification of a candidate or political committee shall be filed with the commissioner and the appropriate county clerk and recorder as specified for the filing of reports in 13-37-225."

Section 248. Section 13-37-202, MCA, is amended to read:

"13-37-202. Deputy campaign treasurers. (1) A campaign treasurer may appoint deputy campaign treasurers, but not more than one in each county in which the campaign is

conducted. Each candidate and political committee shall certify the full name and complete address of the campaign treasurer and all deputy campaign treasurers with the office with whom the candidate or the political committee is required to file reports.

(2) Deputy campaign treasurers may exercise any of the powers and duties of a campaign treasurer as set forth in this chapter when specifically authorized in writing to do so by the campaign treasurer and the candidate, in the case of a candidate, or the campaign treasurer and the chairman of the political committee, in the case of a political committee. The written authorization shall be maintained as a part of the records required to be kept by the treasurer, as specified in 13-37-208."

Section 249. Section 13-37-205, MCA, is amended to read:

"13-37-205. Campaign depositories. Except as provided in 13-37-206, each candidate and each political committee shall designate one primary campaign depository for the purpose of depositing all contributions received and disbursing all expenditures made by the candidate or political committee. The candidate or political committee may also designate one secondary depository in each county in which an election is held and in which the candidate or committee participates. Deputy campaign treasurers may

make deposits in and make expenditures from secondary depositories when authorized to do so as provided in 13-37-202(2). Only a bank authorized to transact business in Montana may be designated as a campaign depository. The candidate or political committee shall file the name and address of each primary and secondary depository so designated at the same time and with the same officer with whom the candidate or committee files the name of his or its campaign treasurer pursuant to 13-37-201. Nothing in this section shall prevent a political committee or candidate from having more than one campaign account in the same depository, but a candidate may not utilize his regular or personal account in the depository as a campaign account."

Section 250. Section 13-37-206, MCA, is amended to read:

"13-37-206. Exception for certain school districts. The provisions of ~~13-37-201 through 13-37-205~~ this part, ~~except 13-37-217,~~ do not apply to candidates for the office of trustee of a school district, their political committees, and political committees organized to support or oppose a school district issue when the school district is:

- (1) a first-class district located in a county having a population of less than 15,000;
- (2) a second- or third-class district; or
- (3) a county high school district having a student

1 enrollment of less than 2,000."

2 Section 251. Section 13-37-208, MCA, is amended to
3 read:

4 "13-37-208. Treasurer to keep records. (1) The
5 campaign treasurer of each candidate and each political
6 committee shall keep detailed accounts (current within not
7 more than 10 days after the date of receiving a contribution
8 or making an expenditure, except that accounts shall be
9 current as of the closing date of books for a reporting
10 period as specified in 13-37-226(4)) of all contributions
11 received and all expenditures made by or on behalf of the
12 candidate or political committee that are required to be set
13 forth in a statement report filed under this chapter.

14 (2) Accounts of a deputy campaign treasurer shall be
15 transferred to the treasurer of a candidate or political
16 committee before the candidate or political committee
17 finally closes its books or when the position of a deputy
18 campaign treasurer becomes vacant and no successor is
19 appointed.

20 (2)(1) Accounts kept by a campaign treasurer of a
21 candidate or political committee shall be preserved by the
22 campaign treasurer for a period coinciding with the term of
23 office for which the person was a candidate or for a period
24 of 4 years, whichever is longer."

25 Section 252. Section 13-37-215, MCA, is amended to

1 read:

2 "13-37-215. Petty cash funds allowed. (1) The campaign
3 treasurer for each candidate or political committee is
4 authorized to withdraw the following amount each week from
5 the primary depository for the purpose of providing a petty
6 cash fund for the candidate or political committee:

7 (a) for all statewide candidates ~~for--nomination--or~~
8 ~~election--on--a--statewide-basis~~ and ~~all~~ political committees
9 ~~operating-on-a-statewide-basis~~ filing reports pursuant to
10 13-37-226(1), \$100 per week; and

11 (b) for all other candidates and political committees,
12 \$20 per week.

13 (2) The petty cash fund may be spent for office
14 supplies, transportation expenses, and other necessities in
15 an amount of less than \$10. Petty cash shall not be used
16 for the purchase of time, space, or services from any
17 communications medium."

18 Section 253. Section 13-37-216, MCA, is amended to
19 read:

20 "13-37-216. ~~Limitation~~ Limitations on contributions.

21 (1) Aggregate contributions for all elections in a campaign
22 by an individual, other than the candidate, to a candidate
23 and political committees organized on his behalf are limited
24 as follows:

25 (a) for candidates filed jointly for the office of

1 governor and lieutenant governor, not to exceed \$1,500;

2 (b) for a candidate to be elected for state office in

3 a statewide election, other than the candidates for governor

4 and lieutenant governor, not to exceed \$750;

5 (c) for a candidate for public service commissioner,

6 district court judge, or state senator, not to exceed \$400;

7 and

8 (d) for a candidate for ~~district court judge~~ any other

9 public office, not to exceed ~~\$300~~ \$250;

10 ~~(e)--for-a-candidate-for-the-legislature--not-to-exceed~~

11 ~~\$250--and~~

12 ~~(f)--for-a-candidate-for-city-or-county-office--not-to~~

13 ~~exceed--\$200.~~

14 (2) ~~An~~ For the purposes of this subsection, an

15 independent committee means a committee which is not

16 specifically organized on behalf of a particular candidate

17 or which is not controlled either directly or indirectly by

18 a candidate or candidate's committee and which does not act

19 jointly with a candidate or candidate's committee in

20 conjunction with the making of expenditures or accepting

21 contributions. For the purpose of limitation on

22 contributions, political party organizations are independent

23 committees. Aggregate contributions by an independent

24 committee to a candidate and political committees organized

25 on his behalf for all elections in a campaign are limited as

1 follows:

2 (a) for candidates filed jointly for the offices of

3 governor and lieutenant governor, not to exceed \$8,000;

4 (b) for a candidate to be elected for state office in

5 a statewide election, other than the candidates for governor

6 and lieutenant governor, not to exceed \$2,000;

7 (c) for a candidate for public service commissioner,

8 not to exceed \$1,000;

9 ~~(d)--for--a--candidate-for-district-court-judge--not-to~~

10 ~~exceed--\$250--~~

11 ~~(e)(d)~~ for a candidate for the legislature state

12 senate, not to exceed ~~\$250~~ \$600;

13 ~~(f)(e)~~ for a candidate for city or county any other

14 public office, not to exceed ~~\$200~~ \$300.

15 (3) The limitations imposed by this section do not

16 apply to public funds contributed to a candidate under any

17 public-financing-provision part 3 of this code chapter."

18 Section 254. Section 13-37-217, MCA, is amended to

19 read:

20 "13-37-217. Payments Contributions in name of

21 undisclosed principal. No person may make a payment

22 contribution of his own money or of another person's money

23 to any other person in connection with ~~a nomination--or~~ any

24 election in any other name than that of the person who in

25 truth supplies such money. No person may knowingly receive

1 such payment a contribution or enter or cause the same to be
 2 entered in his accounts or records in another name than that
 3 of the person by whom it was actually furnished ~~provided~~
 4 ~~if the money is received from the treasurer of any political~~
 5 ~~committee it is sufficient to enter the same as received~~
 6 ~~from the treasurer."~~

7 Section 255. Section 13-37-225, MCA, is amended to
 8 read:

9 "13-37-225. Reports of contributions and expenditures
 10 required. (1) Except as provided in ~~13-37-226(3)~~ 13-37-206,
 11 each candidate and political committee shall file periodic
 12 reports of contributions and expenditures made by or on the
 13 behalf of a candidate or political committee. All reports
 14 required by this section chapter shall be filed with the
 15 commissioner and with the county clerk and recorder of the
 16 county in which a candidate is a resident or the political
 17 committee has its headquarters. However, where residency
 18 within a district, county, city, or town is not a
 19 prerequisite for being a candidate, copies of all reports
 20 shall be filed with the county clerk and recorder of the
 21 county in which the election is to be held or, if the
 22 election is to be held in more than one county, with the
 23 clerk and recorder in the county that the commissioner ~~shall~~
 24 specify specifies.

25 (2) In lieu of all contribution and expenditure

1 reports required by this chapter, the commissioner shall
 2 accept copies of the reports filed by candidates for
 3 congress and president of the United States and their
 4 political committees pursuant to the requirements of federal
 5 law."

6 Section 256. Section 13-37-226, MCA, is amended to
 7 read:

8 "13-37-226. Time for filing reports. (1) Candidates
 9 for a state office filled by a statewide vote of all the
 10 voters electors of Montana ~~the political committees for~~
 11 ~~such candidates~~ and political committees which are
 12 specifically organized to support or oppose a particular
 13 statewide candidate or issue shall file reports:

14 (a) on the 10th day of March and September in each
 15 year that an election is to be held, and on the 15th and 5th
 16 days next preceding the date on which an election is held,
 17 and within 24 hours after receiving a contribution of \$500
 18 or more ~~at any time after the last pre-election report if~~
 19 received between the 10th day before and the day of the
 20 election;

21 (b) not more than 20 days after the date of the
 22 election; and

23 (c) on the 10th day of March and September of each
 24 year following an election ~~so long as there is an unexpended~~
 25 ~~balance or an expenditure deficit in a campaign account; and~~

1 until the candidate or political committee files a closing
 2 report as specified in 13-37-228(3).

3 ~~(d) whenever a candidate or political committee~~
 4 ~~finally closes its books.~~

5 (2) Candidates for a state district office, including
 6 but not limited to candidates for the legislature, public
 7 service commission, or district court judge, ~~their political~~
 8 ~~committees~~ and political committees which are specifically
 9 organized to support or oppose a particular state district
 10 issues candidate or issue shall file reports:

11 (a) on the 10th day next preceding the date on which
 12 an election is held and within 24 hours after receiving a
 13 contribution of \$100 or more ~~at any time after the last~~
 14 ~~pre-election report if received between the 15th day before~~
 15 and the day of the election;

16 (b) not more than 20 days after the date of the
 17 election; and

18 (c) whenever a candidate or political committee
 19 ~~finally closes its books~~ files his or its closing report as
 20 specified in 13-37-228(3).

21 (3) Candidates for any other public offices ~~their~~
 22 ~~political committees~~ and political committees which are
 23 specifically organized to support or oppose a particular
 24 local issues issue shall be required to file the reports
 25 specified in subsection (2) only if the total amount of

1 contributions received or the total amount of funds expended
 2 for ~~on~~ election all elections in a campaign, excluding the
 3 filing fee paid by the candidate, exceeds \$500, except
 4 candidates ~~for the office of trustee of a school district~~
 5 ~~their political committees~~ ~~and political committees~~
 6 ~~organized to support or oppose a school district issue shall~~
 7 ~~not be required to comply with the provisions of 13-37-226~~
 8 ~~through 13-37-228 when the school district is~~

9 ~~(a) a first-class district located in a county having~~
 10 ~~a population less than 15,000~~

11 ~~(b) a second or third class district~~ ~~or~~

12 ~~(c) a county high school district having a student~~
 13 ~~enrollment less than 2,000 as provided in 13-37-206.~~

14 (4) For the purposes of this subsection, a committee
 15 which is not specifically organized to support or oppose a
 16 particular candidate or ballot issue and which receives
 17 contributions and makes expenditures in conjunction with an
 18 election is an independent committee. For the purpose of
 19 reporting, a political party committee is an independent
 20 committee. An independent committee shall file reports:

21 (a) on the 10th day next preceding the date of an
 22 election in which it participates by making an expenditure;

23 (b) not more than 20 days after the date of the
 24 election in which it participates by making an expenditure;
 25 and

1 (c) a closing report at the close of each calendar
 2 year, on a date to be prescribed by the commissioner.

3 (5) The commissioner may promulgate rules regarding
 4 the extent to which organizations that are not primary
 5 political committees but are incidental political committees
 6 shall report their politically related activities in
 7 accordance with this chapter.

8 (4)(6) All reports required by this section shall be
 9 complete as of the date--prescribed-by-the-commissioner
 10 which-shall-not-be-less-than-5-or-more-than-10-days 2th day
 11 before the date of filing as specified in 13-37-225(2) and
 12 subsections (1) through (3) (5) of this section."

13 Section 257. Section 13-37-227, MCA, is amended to
 14 read:

15 "13-37-227. Comprehensive report when several
 16 candidates or issues involved. The commissioner shall adopt
 17 rules that will permit political committees, including
 18 political parties, to file copies of a single comprehensive
 19 report when they support or oppose more than one candidate
 20 or issue. The commissioner shall adopt rules under which
 21 committees filing periodic reports with the federal election
 22 commission and committees headquartered outside the state of
 23 Montana shall report in accordance with this title."

24 Section 258. Section 13-37-228, MCA, is amended to
 25 read:

1 "13-37-228. Time periods covered by reports. Reports
 2 filed under 13-37-225 and 13-37-226 shall be filed to cover
 3 the following time periods even though no contributions or
 4 expenditures may have been received or made during the
 5 period:

6 (1) The initial report shall cover all contributions
 7 received or expenditures made by a candidate or political
 8 committee prior to the time that a person became a candidate
 9 or a political committee as defined in 13-1-101(2) until the
 10 date prescribed by the--commissioner 13-37-226(2) for the
 11 filing of the appropriate initial report pursuant to
 12 13-37-225(2)--and subsections (1) through (3) (4) of
 13 13-37-226.

14 (2) Subsequent periodic reports shall cover the period
 15 of time from the closing of the previous report to a-date
 16 prescribed-by-the-commissioner-which-shall-not-be-less-than
 17 5 days or-more-than-10-days before the date of filing of a
 18 report pursuant to 13-37-226(1) through (4).

19 (3) Final Closing reports shall cover the period of
 20 time from the last periodic report to the final closing of
 21 the books of the candidate or political committee. A
 22 candidate or political committee shall file a closing report
 23 following an election in which he or it participates
 24 whenever all debts and obligations are extinguished and no
 25 further contributions or expenditures will be received or

1 ~~made which relate to the campaign, unless the election is a~~
 2 ~~primary election and the candidate or political committee~~
 3 ~~will participate in the general election."~~

4 Section 259. Section 13-37-219, MCA, is amended to
 5 read:

6 "13-37-229. Disclosure of contributions received. Each
 7 report required by this chapter shall disclose the following
 8 information: ~~except that a candidate shall only be required~~
 9 ~~to report the information specified in this section if the~~
 10 ~~transactions involved were undertaken for the purpose of~~
 11 ~~influencing an election:~~

12 (1) the amount of cash on hand at the beginning of the
 13 reporting period;

14 (2) the full name and mailing address (occupation and
 15 the principal place of business, if any) of each person who
 16 has made aggregate contributions, other than loans, of \$25
 17 or more to the candidate or political committee (including
 18 the purchase of tickets and other items for events such as
 19 dinners, luncheons, rallies, and similar fund-raising
 20 events) ~~within the reporting period~~, together with the
 21 aggregate amount of those contributions within the reporting
 22 period, and the total amount of contributions made by that
 23 person;

24 (3) the total sum of individual contributions made to
 25 or for the political committee or candidate and not reported

1 under subsection (2) of this section;

2 (4) the name and address of each political committee
 3 or candidate from which the reporting committee or candidate
 4 received any transfer of funds, together with the amount and
 5 dates of all transfers;

6 (5) each loan from any person during the reporting
 7 period, together with the full names and mailing addresses
 8 (occupation and principal place of business, if any) of the
 9 lender and endorsers, if any, and the date and amount of
 10 each loan;

11 (6) the amount and nature of debts and obligations
 12 owed to a political committee or candidates, in the form
 13 prescribed by the commissioner;

14 (7) an itemized account of proceeds which total less
 15 than \$25 from a person from:

16 ~~(a) the sale of tickets to each dinner, luncheon,~~
 17 ~~rally, and other fund-raising events;~~

18 ~~(b) mass collections made at such an event; and~~

19 ~~(c) sales of items such as political campaign pins,~~
 20 ~~buttons, badges, flags, emblems, hats, banners, literature,~~
 21 ~~and similar materials;~~

22 (8) each contribution, rebate, refund, or other
 23 receipt not otherwise listed under subsections (2) through
 24 (6) of this section during the reporting period;

25 (9) the total sum of all receipts received by or for

the committee or candidate during the reporting period;

(10) other information that may be required by the commissioner to fully disclose the sources of funds used to support or oppose candidates or issues."

Section 260. Section 13-37-231, MCA, is amended to read:

"13-37-231. Reports to be certified as true and correct. (1) A report required by this chapter to be filed by a candidate or political committee shall be verified as true and correct by the oath or affirmation of the individual filing the report. The individual filing the report shall be the candidate or an officer of a political committee who is on file as an officer of the committee with the commissioner. ~~The oath or affirmation shall be made before an officer authorized to administer oaths.~~

(2) A copy of a report or statement filed by a candidate or political committee shall be preserved by the individual filing it for a period ~~of time to be designated by the commissioner coinciding with the term of office for which the person was a candidate or for a period of 4 years, whichever is longer.~~

~~(3) The commissioner may promulgate rules regarding the extent to which organizations that are not primarily political committees but are incidentally political committees shall report their politically-related activities~~

~~in accordance with this chapter."~~

NEW SECTION. Section 261. Party rules to be filed with the secretary of state. The state central committee of each political party in this state must file a current copy of the rules of government of the party with the secretary of state.

NEW SECTION. Section 262. County committee rules to be filed with the election administrator. The county committee of each political party of this state must file a current copy of its rules of government with the election administrator.

Section 263. Section 7-2-2203, MCA, is amended to read:

"7-2-2203. Limitation on location of boundary of new county. (1) Except as provided in subsection (2), no line of any new county shall pass within 15 miles of the courthouse situated at the county seat of the county sought to be divided.

(2) Such county line may be run within a distance of 10 miles of a county seat in cases where the natural contour of the county, by reason of mountain ranges or other topographical conditions, is such as to make it difficult to reach the county seat. In such cases, a petition signed by at least 50% of the voters registered electors in the proposed new county shall be presented to the judge of the

district court in which the affected county is located, asking for the appointment of a commission of five disinterested persons individuals, who shall determine if the topographical conditions ~~are--such--as--to~~ warrant the fixing of the county division lines closer than at 15 miles from the county seat, as such boundaries are legally fixed and determined at the date of the filing of the petition or petitions referred to in 7-2-2205 and 7-2-2212."

Section 264. Section 7-2-2205, MCA, is amended to read:

"7-2-2205. Petition for creation of new county. (1) Whenever it is desired to divide any county or counties and form a new county out of a portion of the territory of ~~such~~ the then-existing county or counties, a petition shall be presented to the board of county commissioners of the county from which the new county is to be formed, in case said proposed new county is to be formed from but one county, or to the board of county commissioners of the county from which the largest area of territory is proposed to be taken for the formation of such new county, in case said new county is to be formed from portions of two or more existing counties.

(2) (a) ~~Such~~ The petition shall be signed by at least 50% of the qualified registered electors of the proposed new county ~~whose names appear on the official registration books~~

~~and who are shown thereon to have voted at the last general election--preceding the presentation of said petition to the board--as herein provided.~~

(b) In cases where the proposed new county is to be formed from portions of two or more counties, separate petitions shall be presented from the territory taken from each county, and each of ~~said separate the~~ petitions shall be signed by at least 50% of the qualified registered electors of ~~each of said the~~ proposed portions.

(c) ~~Such~~ The signatures need not all be appended to one paper but may be signed to several petitions, which must be similar in form. When so signed, the several petitions may be fastened together and shall be treated and presented as one petition."

Section 265. Section 7-2-2211, MCA, is amended to read:

"7-2-2211. Hearing on petition -- protest. (1) At the time so fixed for ~~said the~~ hearing, the board of county commissioners shall proceed to hear the petitioners and any opponents and protestants upon the petition or protests filed on or before the time fixed for the hearing. The board may adjourn such hearing from time to time, but not for more than 10 days after the time fixed for the hearing, and shall receive the proof to establish or controvert the facts set forth in ~~said the~~ petition.

1 (2) (a) No petition or protest or petition for the
2 exclusion of territory shall be considered unless ~~the--same~~
3 ~~it~~ is filed at least 1 day before the time fixed for the
4 hearing.

5 (b) Such A petition for the exclusion of territory
6 shall contain the names of not less than 50% of the
7 qualified registered electors who are resident property
8 taxpayers of any territory to be excluded.

9 (c) All such territory being excluded must be in one
10 block ~~and-contain~~ containing an area of not less than 36
11 square miles and be totally within one county and contiguous
12 thereto.

13 (3) No withdrawals of signatures to the original
14 petition for the creation of a proposed county shall be
15 filed or considered which have not been filed with the
16 county clerk on or before the date fixed for the hearing. No
17 withdrawals of any signatures from the petition for the
18 exclusion of territory shall be received or considered which
19 are not filed within 5 days after the filing of the petition
20 for such exclusion of territory."

21 Section 266. Section 7-2-2212, MCA, is amended to
22 read:

23 "7-2-2212. Exclusions and additions of territory upon
24 petition. (1) Except as provided in subsection (3), on final
25 hearing, the board of commissioners, upon petition of not

1 less than 50% of the qualified registered electors (as shown
2 by the official registration books records on the day of the
3 filing of ~~any--such~~ the petition) of any territory lying
4 within ~~said the~~ proposed new county and contiguous to the
5 boundary line of the proposed new county and of the old
6 county from which such territory is proposed to be taken and
7 lying entirely within a the single old county and described
8 in ~~said the~~ petition, asking that ~~said the~~ territory be not
9 ~~be~~ included within the proposed new county, must make such
10 changes in the proposed boundaries as will exclude ~~such the~~
11 territory from ~~such the~~ new county and shall establish and
12 define ~~such the~~ boundaries. Petitions for exclusion shall be
13 disposed of in the order in ~~point-of~~ time in which they are
14 filed with the clerk of the board.

15 (2) Except as provided in subsection (3), on final
16 hearing, the board, upon petition of not less than 50% of
17 the qualified registered electors of any territory lying
18 outside ~~said the~~ proposed new county and contiguous to the
19 boundary line of ~~said the~~ proposed new county and of the old
20 county or counties from which such territory is proposed to
21 be included, asking that ~~said the~~ territory be included
22 within the proposed new county, must make such changes in
23 the proposed boundaries as will include such territory in
24 ~~such the~~ new county and shall establish and define ~~such the~~
25 boundaries.

(3) (a) The segregation of ~~such the~~ territory from any old county or counties ~~shall must~~ not leave ~~such the~~ county or counties with less than \$12 million of assessed valuation, based upon the last assessment roll.

(b) No ~~the~~ change or changes ~~so made shall must not~~ result in reducing the valuation of the proposed new county to less than an assessed valuation of \$10 million, inclusive of all assessed valuation.

(c) No change shall be made which ~~shall leave leaves~~ the territory so excluded separate and apart from and without the county of which it was formerly a part.

(4) On final determination of boundaries, no changes in the boundaries originally proposed ~~shall may~~ be made except as prayed for in said petition or petitions or to correct clerical errors or uncertainties."

Section 267. Section 7-2-2213, MCA, is amended to read:

"7-2-2213. Resolution of board of county commissioners. The board of county commissioners, on the final hearing of such petition or petitions, shall, by a resolution entered on its minutes, determine:

(1) the boundaries of the proposed new county, and the boundaries so determined by ~~said the~~ board shall be the boundaries of ~~such the~~ proposed new county if it ~~be is~~ created as herein provided;

(2) whether the ~~said the~~ petition contains the genuine signatures of at least 50% of the ~~qualified registered~~ electors of the proposed new county, as herein required, or, in cases where separate petitions are presented from portions of two or more existing counties, as herein required, whether each petition is signed by at least 50% of the ~~qualified registered~~ electors of that portion of each of ~~such the~~ existing counties which is proposed to be taken into the proposed new county;

(3) whether any line of the proposed new county passes within 15 miles of the courthouse situated at the county seat of any county proposed to be divided, except as otherwise provided;

(4) whether the proposed new county will contain property, according to the last preceding assessment, which will equal in amount at least \$4 million, inclusive of all assessed valuation;

(5) whether the area of any existing county from which territory is taken to form ~~such the~~ new county will be reduced to less than 1,200 square miles of surveyed land by taking the territory proposed to be taken therefrom to form ~~such the~~ new county;

(6) whether the area of the proposed new county will contain at least 1,000 square miles of surveyed land to form ~~such the~~ new county;

(7) the class to which ~~said the~~ proposed new county will belong after its creation and the name of ~~said the~~ proposed new county as stated in ~~such the~~ petition;

(8) whether the area embraced within the proposed new county will be reasonably compact."

Section 268. Section 7-2-2214, MCA, is amended to read:

"7-2-2214. Division of territory of proposed county into various districts. The board of county commissioners shall divide the proposed new county into a convenient number of township, road, and school districts; define their boundaries; and designate the names of such districts if the board determines that:

(1) the formation of ~~said the~~ proposed new county will not reduce any county from which any territory is taken to an assessed valuation of less than \$12 million, inclusive of the assessed valuation, or the area thereof to less than 1,200 square miles of surveyed land;

(2) the proposed new county contains property of an assessed valuation of at least \$10 million, inclusive of all assessed valuation, and the proposed new county has an area of at least 1,000 square miles of land;

(3) no line of ~~said the~~ proposed new county passes within 15 miles of the courthouse situated at the county seat of any county proposed to be divided, except as

otherwise provided; and

(4) ~~said the~~ petition contains the genuine signatures of at least 50% of the ~~qualified~~ registered electors of the proposed new county or, in cases where separate petitions are presented from portions of two or more existing counties, as herein required, each of ~~said the~~ petitions contains the genuine signatures of at least 50% of the ~~qualified~~ registered electors of that portion of the proposed new county from which it is taken."

Section 269. Section 7-2-2215, MCA, is amended to read:

"7-2-2215. Election on question of creating new county -- proclamation and notice. (1) Within 2 weeks after its determination of the truth of the allegations of ~~said the~~ petition--~~as~~--~~efore~~said, the board of county commissioners shall order and give proclamation and notice of an election to be held on a specified day, not less than 90 days or more than 120 days thereafter, in the territory which is proposed to be taken for the new county, for the purpose of determining whether such territory shall be established and organized into a new county and for the election of officers and location of a county seat therefor in case the vote at ~~such the~~ election ~~shall be~~ is in favor of the establishment and organization of ~~such the~~ new county.

(2) All ~~qualified~~ registered electors residing within

the proposed new county who are qualified registered electors of the county or counties from which territory is taken to form ~~such the~~ proposed new county and who are to be registered under the provisions of the registration laws of the state shall be entitled to vote at ~~said the~~ election. Registration and transfers of registration shall be made and shall close in the manner and at a time provided by law for registration and transfers of registration for a general election in Montana.

(3) ~~Such the~~ proclamation and notice of election shall be published ~~at least once a week for 3 weeks before the holding of such election in some newspaper of general circulation published in the territory which is proposed to be taken for the new county as provided in [section 6],~~ and a copy thereof shall be mailed immediately by the county clerk election administrator of the county in which the petition is filed to the county clerk election administrator of each county from which territory is to be taken for the proposed new county.

(4) The proclamation calling the election and the notice thereof provided for in this part shall be made and given exclusively by the board with which the petition for the formation and establishment of ~~such the~~ new county is filed."

Section 270. Section 7-2-2217, MCA, is amended to

read:

"7-2-2217. Appointment of election officials. ~~Said the~~ board of county commissioners shall appoint election officers judges to act at the election provided for in 7-2-2215 and to be paid by ~~said the~~ board.

Section 271. Section 7-2-2218, MCA, is amended to read:

"7-2-2218. Form of ballot. (1) The proclamation and notice required by 7-2-2215 shall require the voters electors to cast ballots which shall contain the words "For the new county of (giving the name of the proposed new county)" == "Yes" and "For the new county of (giving the name of the proposed new county)" == "No", and each voter elector desiring to vote for the establishment and organization of ~~said the~~ new county shall mark a cross (X) opposite the words "For the new county of" == "Yes" in the manner now required by law in other elections, and each voter elector desiring to vote against the establishment and organization of ~~said the~~ new county shall mark a cross (X) opposite the words "For the new county of" == "No" in the manner now required by law in other elections.

(2) The ballots shall also contain the names of persons individuals to be voted for to fill the various elective offices designated in ~~said the~~ proclamation for counties of the class to which ~~said the~~ proposed county will

belong, as determined by the board of county commissioners, as herein otherwise provided.

(3) There shall also be printed upon ~~said the~~ ballot the words "For the county seat" and the names of all cities or towns which may have filed with the county-clerk ~~election administrator~~ a petition, signed by at least 25 ~~qualified~~ registered electors, nominating any city or town within the proposed new county for the county seat. The voter elector shall designate his choice for county seat by marking a cross (X) opposite the name of the city or town for which he desires to cast his ballot."

Section 272. Section 7-2-2219, MCA, is amended to read:

"7-2-2219. Conduct of election. (1) (a) The board issuing the proclamation and notice of election pursuant to 7-2-2215 shall cause the clerk ~~election administrator~~ of ~~said the~~ county to furnish to the officers ~~election judges~~ of each precinct in such proposed new county all ~~ballots, poll-lists, tally-lists, registers for voters, signatures, ballot-boxes, and other~~ election supplies and equipment necessary to conduct ~~said the~~ election and which are not hereinafter specifically directed to be furnished by the clerk ~~election administrator~~ of another county or counties.

(b) The county-clerk ~~election administrator~~ of each county from which territory is taken for the proposed new

county shall, not less than 5 days before the date of ~~said the~~ election, furnish to ~~for~~ each board-of-election precinct within ~~said the~~ proposed new county a ~~copy of the official register precinct register~~ for the precincts of ~~said the~~ proposed new county as ~~which~~ are within their respective counties--and the copies of indexes thereof required by law containing the names of all persons who were qualified electors--at the last general election before the date of such election.

(2) ~~Said the~~ election shall be governed and controlled by the general election laws of the state, so far as the same shall be applicable and except as otherwise provided herein. The provisions of the election laws relating to preparation, printing, and distribution of sample ballots, except the provisions of ~~said the~~ laws relating to primary elections in this state, shall have application to any election provided for in this part.

(3) The returns of all elections for the creation of the county, for officers, and for location of the county seat as provided for in this part shall be made to and canvassed by the board ~~of county commissioners~~ of the county from which the largest area is taken by the proposed county. All returns of election herein provided for shall be made to the board calling such election.

(4) All nominations of candidates for the office

1 ~~offices~~ required to be filled at ~~said the~~ election shall be
 2 made in the manner provided by law for the nomination of
 3 candidates by petition."

4 Section 273. Section 7-2-2222, MCA, is amended to
 5 read:

6 "7-2-2222. Effect of election -- resolution by county
 7 commissioners. (1) If, upon the canvass of the votes cast at
 8 ~~such the~~ election, it appears that more than 50% of the
 9 votes cast on the issue are "For the new county of ==
 10 Yes", the board of county commissioners shall, by a
 11 resolution entered upon its minutes, declare such territory
 12 duly formed and created as a county of this state, of the
 13 class to which the same ~~shall-belong~~ belongs and under the
 14 name of County, and that the city or town receiving the
 15 highest number of votes cast at ~~said the~~ election for county
 16 seat shall be the county seat of ~~said the~~ county until
 17 removed in the manner provided by law and designate and
 18 declare the ~~person~~ individuals receiving, respectively, the
 19 highest number of votes for the several offices to be filled
 20 at ~~said the~~ election to be duly elected to ~~such the~~ offices.

21 (2) However, if, upon such canvass, it appears that
 22 more than 50% of the votes cast on the issue at ~~said the~~
 23 election are "For the new county of == No", the board
 24 canvassing ~~said the~~ vote as provided herein shall pass a
 25 resolution in accordance therewith, and thereupon the

1 proceedings relating to division of such county or counties
 2 shall cease. No other proceedings in relation to any other
 3 division of ~~said the~~ old county or counties shall be
 4 instituted for at least 2 years after such determination."

5 Section 274. Section 7-2-2223, MCA, is amended to
 6 read:

7 "7-2-2223. Procedure to complete creation of county.
 8 (1) The board of county commissioners shall forthwith cause
 9 a copy of its resolution, authorized by 7-2-2222(1) and duly
 10 certified, to be filed in the office of the secretary of
 11 state. Ninety days ~~from-and~~ after the date of such filing:

12 (a) said new county shall be ~~deemed~~ considered to be
 13 fully created;

14 (b) the organization thereof shall be ~~deemed~~
 15 considered completed; and

16 (c) ~~such the~~ officers shall be entitled to enter
 17 immediately upon the duties of their respective offices upon
 18 qualifying in accordance with law and giving bonds for the
 19 faithful performance of their duties, as required by the
 20 laws of the state.

21 (2) (a) The ~~clerk~~ election administrator of the board
 22 county with which ~~said the~~ petition was filed as herein
 23 provided must immediately make out and deliver to each of
 24 ~~said--persons~~ the individuals so declared and designated to
 25 be elected a certificate of election authenticated by his

signature and the seal of ~~said the~~ county. The ~~persons~~
~~individuals~~ elected members of the board and the county
 clerk shall, immediately upon receiving their certificates
 of election, assume the duties of their respective offices.

(b) All other officers take office 90 days after the
 filing of the resolution herein provided for with the
 secretary of state."

Section 275. Section 7-2-2302, MCA, is amended to
 read:

"7-2-2302. Role of county clerk of county created by
 legislature. (1) The person individual appointed to the
 office of county clerk in the bill creating the county shall
 be notified in writing, by the county commissioners or some
 one of them, of the time and place of the meeting required
 by 7-2-2301. He must attend the meeting and act as the clerk
 thereof and keep a record of the proceedings.

(2) If no person individual is appointed to the office
 of county clerk by the act creating the county, the
 commissioners shall at ~~such the~~ meeting select some person
individual qualified to hold the office of county clerk to
 act as clerk of ~~such the~~ meeting.

(3) The individual appointed county clerk shall also
 serve as election administrator."

Section 276. Section 7-2-2312, MCA, is amended to
 read:

"7-2-2312. Election on question of locating permanent
 county seat. (1) Except as provided in subsection (2), at
~~said the~~ first general election after the creation of the
 county, it shall be the duty of the board of county
 commissioners and ~~county--clerk~~ election administrator to
 have separate official ballots printed and distributed for
 the use of the electors at said election. The ballots shall
 be in the form and contain the same matter as the ballots
 provided for in 7-2-2316, and the provisions of 7-2-2316(4)
 and 7-2-2318 shall apply to and govern the manner of voting
 and of canvassing said ballots. The board shall declare the
 result of such election and the location of the permanent
 county seat, and said county seat shall be located in the
 manner and according to the provisions of 7-2-2318.

(2) (a) At any time within 6 months after the passage
 of an act creating a new county, a petition or petitions may
 be filed with the ~~county--clerk--of--the--board--of--county~~
~~commissioners~~ election administrator of such county asking
 the board to submit the question of the location of the
 permanent county seat to the electors of the county at a
 special election to be called and held in the manner
 provided in this part.

(b) Said petition or petitions must contain in the
 aggregate the names of at least 100 qualified electors whose
 names also appear as registered electors in some

1 registration district established and existing in the
 2 territory embraced in the new county at the last general
 3 election held therein. The petition or petitions, when filed
 4 with the board, must also have certificates attached thereto
 5 from the ~~county-clerk~~ election administrator of the county
 6 in which the person individual or persons individuals
 7 signing the petition resided before the creation of the new
 8 county, certifying that the names of the persons individuals
 9 signing said petition or petitions appear in the
 10 registration books of his county containing the names of the
 11 electors registered in the last general election in the
 12 districts now embraced in the new county."

13 Section 277. Section 7-2-2313, MCA, is amended to
 14 read:

15 "7-2-2313. Procedure to hold special election. (1)
 16 Upon filing ~~said the~~ petition or petitions, duly certified
 17 to as provided in 7-2-2312, with the ~~county-clerk~~ election
 18 administrator of the new county, he must immediately notify
 19 the chairman of the board of county commissioners who, upon
 20 receipt of such notice, must call a meeting of the board, to
 21 be held within 10 days after the filing of ~~said the~~
 22 petition, for the purpose of considering the same. If the
 23 board at such meeting finds that said petition conforms to
 24 the requirements of and is in accordance with the provisions
 25 of 7-2-2312, it shall at ~~said the~~ meeting, by a resolution

1 spread-upon entered in its minutes, call a special election
 2 of the ~~qualified registered~~ electors of said county for the
 3 purpose of voting upon the question of the location of the
 4 permanent county seat.

5 (2) ~~Said the~~ election shall be held on Tuesday and not
 6 less than 40 or more than 60 days after the date of calling
 7 the same. The board must issue an election proclamation
 8 containing a statement of the time of the election and the
 9 question to be submitted. A copy of this proclamation must
 10 be published in some newspaper printed in the county, if
 11 any, and posted at each place of election at least 10 days
 12 before the election."

13 Section 278. Section 7-2-2314, MCA, is amended to
 14 read:

15 "7-2-2314. Establishment of ~~registration--and--polling~~
 16 precincts and ~~voting~~ polling places -- appointment of
 17 ~~registry-agents~~ deputy registrars. (1) At the meeting of the
 18 board at which the special election is called for the
 19 purpose of locating the permanent county seat, the board
 20 shall, by resolution spread-upon entered in its minutes,
 21 divide the county into ~~registration-districts~~ precincts and
 22 establish polling ~~precincts~~ places in the manner provided by
 23 law.

24 (2) ~~it must also at such meeting make an order~~
 25 ~~designating the house or place within each precinct where~~

~~the election shall be held.~~

~~(3)(2) It must also, at the same session of the board, appoint registry agents deputy registrars for the several registration districts precincts established by it, who must possess the qualifications required by law for registry agents. The county clerk must furnish the said registry agents with books, blanks, and other stationery required for the proper performance of their duties deputy registrars."~~

Section 279. Section 7-2-2315, MCA, is amended to read:

"7-2-2315. Appointment of election judges. (1) At the same meeting of the board of county commissioners at which the special election for the location of the permanent county seat is called, the board shall appoint three judges of election for each precinct in the county, who shall act as the judges at said ~~the~~ election. The judges appointed for said ~~the~~ special election must qualify as required by the general election law.

(2) It shall be the duty of the ~~county clerk~~ election administrator to have printed and distributed to the election judges ~~of election~~ the necessary ballots, the form of which shall be as provided in 7-2-2316 and 7-2-2319, and also supply the judges with the necessary ~~books, records, stationery, and ballot boxes~~ supplies required to hold such election in the manner provided by law."

Section 280. Section 7-2-2702, MCA, is amended to read:

"7-2-2702. Petition for abandonment of county. (1) A petition may be filed with the county clerk of a county asking that the question of abandoning and abolishing the organization and corporate existence of such ~~the~~ county and attaching its territory to and making the same a part of some adjoining county be submitted to the qualified electors of such ~~the~~ county at an election. Such ~~the~~ petition shall state the name of the adjoining county to which the territory of such ~~the~~ county so to be abandoned and abolished shall be attached and made a part.

(2) Such ~~the~~ petition shall be signed by not less than 35% of the qualified electors of the county whose names appear upon the registration records of such county, shall contain the post-office address and voting precinct of each person individual signing the ~~same~~ it, and shall state the name and address of three persons individuals to whom notice of the insufficiency of the petition shall be sent in the event that the petition ~~shall~~ does not have the required number of signatures of ~~qualified~~ registered electors signed thereto. No person, after signing any such petition, shall be allowed or permitted to withdraw his signature or name therefrom."

Section 281. Section 7-2-2703, MCA, is amended to

1 read:

2 "7-2-2703. Processing of petition -- certification to
3 county commissioners. (1) It shall be the duty of the county
4 clerk election administrator, within 30 days after the
5 filing of such the petition, to examine ~~the same~~ it and to
6 ascertain and determine from the registration records of the
7 county whether such the petition is signed by the required
8 number of qualified registered electors. Such ~~clerk~~ the
9 election administrator may be authorized by the board of
10 county commissioners to employ additional help in his office
11 to assist him in the work of examining such the petition,
12 and such the board shall provide for their compensation.

13 (2) When such the examination is completed, ~~said the~~
14 clerk election administrator shall forthwith attach to such
15 the petition his certificate, properly dated and signed,
16 showing the result of his examination. If ~~said the~~
17 certificate shows that ~~said the~~ petition is signed by the
18 required number of qualified registered electors, ~~said-clerk~~
19 the election administrator shall immediately present ~~said~~
20 the petition to the board if such the board be ~~is~~ then in
21 session; otherwise, at its first regular meeting after the
22 date of such the certificate."

23 Section 282. Section 7-2-2704, MCA, is amended to
24 read:

25 "7-2-2704. Hearing on petition by county commissioners

1 -- notice. (1) Whenever any such petition is presented to
2 the board of county commissioners of a county with a
3 certificate of the county--clerk election administrator
4 attached thereto and showing that ~~said the~~ petition has been
5 signed by not less than 35% of the qualified registered
6 electors of such the county whose names appear upon the
7 registration records of ~~said the~~ county, as provided in
8 7-2-2702 and 7-2-2703, ~~said the~~ board shall, immediately
9 upon presentation of such the petition, make and enter an
10 order in its minutes fixing a day for considering and taking
11 final action on ~~said the~~ petition. The date for final action
12 shall be not less than 30 or more than 35 days after the
13 date when ~~said the~~ order is made.

14 (2) The board shall cause a notice to be published in
15 the official newspaper of the county to the effect that such
16 the petition has been presented to such the board asking for
17 the abandonment and abolishment of the county and that ~~said~~
18 the board will meet at the time specified in ~~said the~~ order
19 for considering and taking final action on ~~said the~~
20 petition, at which time any ~~and-att~~ registered electors of
21 the county interested therein may appear and be heard
22 thereon. Such the notice shall be published once a week for
23 2 successive weeks immediately following the making of such
24 the order.

25 Section 283. Section 7-2-2706, MCA, is amended to

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1 read:

2 "7-2-2706. Processing of petition to amend proposed
3 consolidation -- certification to county commissioners.
4 Whenever any petition is filed under 7-2-2705, the county
5 clerk election administrator shall immediately examine the
6 same and determine from the registration records of the
7 county whether such the petition has been signed by the
8 required number of registered electors and shall attach
9 thereto his certificate showing the total number of
10 registered electors residing within the boundaries described
11 in said the petition and the number thereof whose names
12 appear on said petition and shall deliver such the petition,
13 with such the certificate attached, to the board of county
14 commissioners when such the board meets to consider and take
15 final action on such the petition for abandonment."

16 Section 284. Section 7-2-2708, MCA, is amended to
17 read:

18 "7-2-2708. Form of resolution. The resolution
19 authorized by 7-2-2707 shall be in substantially the
20 following form:

21 Whereas, there has been filed with the clerk election
22 administrator of (name) county, Montana, a petition asking
23 that the organization and corporate existence of said the
24 county be abandoned and abolished and its territory attached
25 to and made a part of an adjoining county, the county of

1 (name), Montana; and

2 Whereas, said the petition has been presented to the
3 board of county commissioners of (name) County, with a
4 certificate of the clerk election administrator of said the
5 county attached thereto showing that said the petition has
6 been signed by not less than 35% of the registered electors
7 of said the county; and

8 (If any a petition for attaching any part or portion of
9 the county, in case of abandonment, to an adjoining county
10 or counties other than the county named in the petition for
11 abandonment, and found to have been signed by the required
12 number of registered electors, insert the following for each
13 petition):

14 Whereas, there has been filed a petition signed by not
15 less than 50% of the registered electors residing within
16 that part or portion of said the county described as (give
17 description as contained in petition), praying that the part
18 or portion of said the county within such the boundaries be
19 attached to and made a part of the county of (name of county
20 given in petition) if said the county be is abandoned.

21 Now, therefore, be it resolved that, if said (name)
22 County shall be abandoned and abolished, the territory
23 embraced within its boundaries shall be attached to and
24 become part of the following: (if all to be attached to one
25 adjoining county so state, but if parts or portions to any

1 other county or counties, then describe the part or portion
2 to go to each adjoining county as well as to the county
3 named in the petition for abandonment).

4 Be it further resolved, that the county clerk of (name)
5 County, Montana, make copies of this resolution, each with a
6 copy of said petition for abandonment, with the signatures
7 omitted therefrom (and copies of petitions for attaching
8 parts or portions of said county to adjoining county or
9 counties other than the county named in the petition for
10 abandonment, if any were filed and found sufficient, with
11 signatures omitted), and certify to the same and affix the
12 seal of the county thereto and transmit one of said the
13 copies to the governor of Montana and one of said the copies
14 to the clerk of each county to which any part of said the
15 county is to be attached if abandoned."

16 Section 285. Section 7-2-2709, MCA, is amended to
17 read:

18 *7-2-2709. Special election on question of abandonment
19 and consolidation. (1) (a) Upon receipt of a certified copy
20 of the resolution provided for in 7-2-2707, the governor
21 shall, within 10 days thereafter, issue his proclamation
22 calling a special election in the county in which the
23 petition referred to in said the resolution was filed and in
24 each county designated in such the resolution as a county to
25 which any of the territory of such the county, if abandoned

1 and abolished, shall be attached and made a part.

2 (b) Such the proclamation shall fix a day for holding
3 such the election in such counties, which shall be not less
4 than 90 days or more than 120 days after the date of the
5 governor's proclamation calling the same, provided that if a
6 general election will be held in said the counties within
7 not less than 90 days or more than 120 days after the date
8 of such proclamation, the governor, in such the
9 proclamation, shall direct that such the question be
10 submitted to the qualified registered electors of said the
11 counties at such the general election. Such the proclamation
12 shall be filed in the office of the secretary of state, and
13 copies thereof shall be transmitted by the governor to the
14 county-clerk election administrator of each of the counties
15 in which such the election is to be held.

16 (2) At the election there shall be submitted:

17 (a) to the qualified registered electors of the county
18 in which such the petition was filed, the question of
19 whether or not such the county shall be abandoned and
20 abolished and its territory attached to and made a part of
21 the county designated and named for such the purpose in said
22 the petition; and

23 (b) to the qualified registered electors of each
24 county named and designated in such the resolution as a
25 county to which a part of the territory of the county

1 proposed to be abandoned and abolished shall be attached and
 2 made a part if such ~~the~~ county shall be so abandoned and
 3 abolished, the question of whether or not such ~~the~~ part of
 4 the territory of such ~~the~~ county, if abandoned and
 5 abolished, described in such ~~the~~ resolution shall be
 6 attached to and become a part of such ~~the~~ county."

7 Section 286. Section 7-2-2710, MCA, is amended to
 8 read:

9 "7-2-2710. Procedure to hold election. (1) The county
 10 clerk election administrator of each of such ~~the~~ counties,
 11 after receiving a copy of such ~~the~~ election proclamation,
 12 shall present ~~the---some it~~ to the board of county
 13 commissioners if such ~~the~~ board is then in session or, if
 14 not in session, then at the first meeting thereof held
 15 ~~thereafter--after-such-clerk-has-received-the-some~~. The board
 16 of county commissioners of each of such ~~the~~ counties shall
 17 issue such ~~the~~ proclamations and give such ~~the~~ notices of
 18 election as ~~which~~ are required by the general laws of this
 19 state when questions are to be submitted to the qualified
 20 electors of a county at an election. The proclamation and
 21 notices shall include a description of the boundaries of
 22 that part of the county proposed to be abandoned and ~~to--be~~
 23 attached to and made a part of such county if ~~said the~~
 24 county be ~~is~~ abandoned.

25 (2) The county-clerk election administrator of each of

1 such ~~the~~ counties shall give notice of the closing of the
 2 registration books and shall cause the same to be closed at
 3 the time and in the manner provided by the general
 4 registration and election laws of this state.

5 (3) ~~Said the~~ election shall be held, voted, counted,
 6 and returns made and canvassed in the manner provided by the
 7 general election laws of this state."

8 Section 287. Section 7-2-2712, MCA, is amended to
 9 read:

10 "7-2-2712. Canvass of returns -- proclamation of
 11 results. (1) The board of county commissioners of each
 12 county, acting as a canvassing board, must, within 10 days
 13 after the holding of such ~~the~~ election, canvass the returns
 14 of such ~~the~~ election. Within 5 days thereafter, the clerk
 15 election administrator of each such county must make and
 16 enter in the records of ~~said the~~ board a statement of the
 17 vote in such ~~the~~ county and transmit to the secretary of
 18 state, by registered or certified mail, an abstract thereof,
 19 which shall be marked "election returns".

20 (2) Within 10 days after receiving such ~~the~~ abstracts
 21 from all counties in which such ~~the~~ election was held and on
 22 notice from the secretary of state, the board of state
 23 canvassers shall meet and canvass, compute, and determine
 24 the vote. The secretary of state, as secretary of such ~~the~~
 25 board, must make and file in his office a statement thereof

1 ~~of it~~ and transmit a copy thereof to the governor.

2 (3) Upon receipt of ~~such the~~ copy, the governor shall
3 issue a proclamation declaring the result of ~~such the~~
4 election and shall file a copy of ~~such the~~ proclamation in
5 the office of the secretary of state and transmit a copy of
6 ~~such the~~ proclamation to the county clerk of each of the
7 counties in which such election was held. Each ~~such~~ county
8 clerk shall file the same in his office and present the same
9 to the board of county commissioners of his county if ~~such~~
10 ~~the~~ board is then in session; otherwise, at the first
11 meeting of the board after the ~~same copy~~ has been received
12 by ~~such the~~ clerk."

13 Section 288. Section 7-2-2726, MCA, is amended to
14 read:

15 "7-2-2726. Status of printing contracts. (1) If the
16 abandoned and abolished county ~~shall have~~ has theretofore
17 entered into a printing contract in accordance with the
18 provisions of part 24 of chapter 5 and ~~such the~~ contract
19 ~~shall be is~~ in full force and effect on the date when ~~such~~
20 ~~the~~ county ceases to exist, all supplies and printing for
21 the county designated in the petition for abandonment as the
22 county to which the territory of the abandoned and abolished
23 county is attached and made a part shall be divided by the
24 board of county commissioners of ~~such the~~ county between
25 ~~such the~~ contract and any similar existing contract entered

1 into by the board in such manner as ~~such the~~ board ~~shall~~
2 ~~deem~~ considers equitable and just to the holders of both
3 such contracts until the contract entered into by the
4 abandoned and abolished county ~~shall have--expired~~ expires.

5 (2) When a petition has been filed with the county
6 ~~clerk election administrator~~ of a county for the abandonment
7 and abolishment of ~~such the~~ county in accordance with the
8 provisions of 7-2-2702 and 7-2-2703, the board of county
9 commissioners of ~~such the~~ county shall not thereafter enter
10 into any contract under the provisions of part 24 of chapter
11 5 until the time has expired when ~~such the~~ petition may be
12 presented to ~~such the~~ board by the county clerk as provided
13 in 7-2-2702 and 7-2-2703."

14 Section 289. Section 7-2-4101, MCA, is amended to
15 read:

16 "7-2-4101. Petition to organize municipalities. (1)
17 Whenever the inhabitants of any part of a county desire to
18 be organized into a city or town, they may apply by petition
19 in writing, signed by not less than two-thirds of the
20 ~~qualified~~ registered electors but not more than 300 such
21 electors, who are residents of the state and residing within
22 the limits of the proposed incorporation, to the board of
23 county commissioners of the county in which the territory is
24 situated.

25 (2) (a) The petition must describe the limits of the

1 proposed city or town and of the several wards thereof, each
2 of which shall contain 150 or more qualified registered
3 electors and must not exceed 1 square mile for each 500
4 inhabitants resident therein.

5 (b) The petitioners must annex to the petition a map
6 of the proposed territory to be incorporated and state the
7 name of the city or town.

8 (3) The petition and map must be filed in the office
9 of the county clerk election administrator."

10 Section 290. Section 7-2-4104, MCA, is amended to
11 read:

12 "7-2-4104. Election on question of organization. (1)
13 After filing the petition and census, if there be is the
14 requisite number of inhabitants for the formation of a
15 municipal corporation as required in 7-2-4103, the county
16 commissioners must call an election of all the qualified
17 registered electors residing in the territory described in
18 the petition.

19 (2) ~~Said~~ The election must be held at a convenient
20 place within the territory described in the petition, to be
21 designated by the board.

22 ~~(3) The board must appoint judges and clerks of~~
23 ~~election who must qualify as required by law and after the~~
24 ~~election they must report the result to the board together~~
25 ~~with the ballots cast at said election~~

1 ~~44(3)~~ The ballots used at the election must be
2 contain the words "For incorporation" or "Against
3 incorporation", and all elections must be conducted as
4 provided in Title 13."

5 Section 291. Section 7-2-4105, MCA, is amended to
6 read:

7 "7-2-4105. Notice of election on question of
8 organization. Notice of the election ~~must be given by~~
9 ~~publication in some newspaper published within the limits of~~
10 ~~the territory to be incorporated or if none be published~~
11 ~~therein by posting notice in three public places within~~
12 ~~said limits shall be published as provided in [section 6].~~
13 The notice ~~must be published 30 days prior to the election~~
14 ~~and must specify the time when and place where the same is~~
15 ~~to be held and~~ shall contain a description of the boundaries
16 of the city or town."

17 Section 292. Section 7-2-4106, MCA, is amended to
18 read:

19 "7-2-4106. First election for officers. (1) When the
20 incorporation of a city or town is completed, the board of
21 county commissioners must give notice for 30 days in a
22 newspaper published within the limits of the city or town
23 or, if none be is published therein, by posting notices in
24 six public places within the limits of the corporation of
25 the time and place or places of holding the first election

1 for offices of the corporation.

2 (2) At such election all the electors qualified by the
3 general election laws of the state who have resided within
4 the limits of the city or town for 6 months and within the
5 limits of the ward for 30 days preceding the election are
6 qualified electors and may choose officers for the city or
7 town, to hold office as prescribed in 7-2-4107.

8 (3) The board must appoint ~~election~~ judges and ~~clerks~~
9 ~~of-election~~ and canvass and declare the result thereof. The
10 election must be conducted in the manner required by law for
11 the election of county officers.

12 Section 293. Section 7-2-4601, MCA, is amended to
13 read:

14 "7-2-4601. Annexation by petition. (1) The boundaries
15 of any incorporated city or town, whether heretofore or
16 hereafter formed, may be altered and new territory or
17 territories annexed thereto, incorporated and included
18 therein, and made a part thereof upon proceedings being had
19 and taken as provided in this part.

20 (2) The council or other legislative body of any such
21 municipal corporation, upon receiving a written petition
22 therefor containing a description of the new territory or
23 territories asked to be annexed to ~~such the~~ corporation and
24 signed by not less than 33 1/3% of the ~~resident-freeholder~~
25 registered electors of the territory proposed to be annexed,

1 must without delay submit to the electors of ~~such the~~
2 municipal corporation and to the registered electors
3 residing in the territory or territories proposed by ~~such~~
4 ~~the~~ petition to be annexed to ~~such the~~ corporation, the
5 question whether ~~such the~~ new territory or territories shall
6 be annexed to, incorporated in, and made a part of ~~said the~~
7 municipal corporation."

8 Section 294. Section 7-2-4602, MCA, is amended to
9 read:

10 "7-2-4602. Election on question of annexation by
11 petition. (1) The question of annexation may be ~~so~~ submitted
12 at the next general municipal election to be held in ~~such~~
13 ~~the~~ municipal corporation or it may be ~~so~~ submitted prior to
14 ~~such the~~ general election, either at a special election
15 called ~~therein~~ for that purpose or at any other municipal
16 election, ~~therein~~ except an election at which the
17 submission of such question is prohibited by law.

18 (2) The election shall be conducted and the returns
19 made in the same manner as other city or town elections. All
20 election laws governing city and town elections shall
21 govern, insofar as they are applicable.

22 (3) Whenever the question of annexation under this
23 title is submitted at either a general city or town election
24 or at a special election, separate ballots, ~~white-in-color~~
25 ~~and-of-convenient-size~~ shall be provided therefor."

1 Section 295. Section 7-2-4603, MCA, is amended to
2 read:

3 "7-2-4603. Notice of election. (1) The council or
4 legislative body ~~is hereby empowered and it shall be its~~
5 ~~duty to cause notice to be given of such election by the~~
6 ~~publication of a notice thereof in a newspaper printed and~~
7 ~~published in such municipal corporation at least once a week~~
8 ~~for a period of 3 successive weeks preceding the date of~~
9 ~~such election, if there is no newspaper printed in such~~
10 ~~municipal corporation, then such notice shall be published~~
11 ~~in like manner for a like period in the nearest town or city~~
12 ~~in the county in which said territory or territories to be~~
13 ~~annexed is situated and in which such newspaper is printed~~
14 shall publish notice of the election as provided in [section
15 6].

16 (2) Such notice shall distinctly state the proposition
17 to be submitted, i.e., that it is proposed to annex to,
18 incorporate in, and make a part of such municipal
19 corporation the territory or territories sought to be
20 annexed, specifically describing the boundaries thereof. ~~In~~
21 ~~said notice the qualified electors of said municipal~~
22 ~~corporation and the qualified electors residing in said~~
23 ~~territory or territories so proposed to be annexed shall be~~
24 ~~invited to vote upon such proposition by placing upon their~~
25 ~~ballots the words "for annexation" or "against annexation"~~

1 ~~or words equivalent thereto~~

2 (3) ~~Such council or legislative body is hereby~~
3 ~~empowered and it shall be its duty to establish and in such~~
4 ~~The notice of election shall designate the voting precinct~~
5 ~~or precincts, the date of said the election, the place or~~
6 ~~places at which and the hours between which the polls will~~
7 ~~be opened for such election, and such other information~~
8 ~~regarding said election as the council or legislative body~~
9 ~~may deem proper. Such place or places shall be that or those~~
10 ~~commonly used as voting places within such municipal~~
11 ~~corporation and also that or those commonly used by the~~
12 ~~electors residing in such new territory or territories."~~

13 Section 296. Section 7-2-4902, MCA, is amended to
14 read:

15 "7-2-4902. Disincorporation by election. (1) Any city
16 or town may be disincorporated in the manner hereafter
17 provided.

18 (2) If the qualified registered electors of a city or
19 town equal in number to 20% of the number of voters electors
20 voting at the last regular municipal election petition the
21 board of county commissioners of the county where the city
22 or town is situated to disincorporate the city or town, the
23 board shall order, within 60 days, that a special election
24 be held within the city or town on the question of
25 disincorporating the city or town. The day for holding the

election shall ~~be~~ not be less than 30 ~~60~~ days or more than 60 ~~120~~ days after the board orders the election."

Section 297. Section 7-2-4903, MCA, is amended to read:

"7-2-4903. Notice of election on question of disincorporation. Notice of the election provided for in 7-2-4902 shall be published ~~once each week for 4 consecutive weeks and shall state that the question of disincorporation of the city or town will be submitted to the qualified electors of the city or town on the designated day as provided in [section 6].~~"

Section 298. Section 7-2-4904, MCA, is amended to read:

"7-2-4904. Details of election on disincorporation. (1) The election shall be conducted in the same manner as a regular city or town election ~~except that the election officials are appointed by the board of county commissioners.~~ The election returns ~~are~~ shall be made to the board and canvassed in the same manner as are general election returns.

(2) The form of the ballot ~~is~~ shall be:

☐ FOR the disincorporation of (insert name of city or town)

☐ AGAINST the disincorporation of (insert name of city or town)."

Section 299. Section 7-5-132, MCA, is amended to read:

"7-5-132. Procedure to exercise right of initiative or referendum. (1) The electors may initiate and amend ordinances and require submission of existing ordinances to a vote of the people by petition. If submitted prior to the ordinance's effective date, a petition requesting a referendum on the ordinance shall delay the ordinance's effective date until the ordinance is ratified by the electors. A petition requesting a referendum on an emergency ordinance filed within 30 days of its effective date shall suspend the ordinance until ratified by the electors.

(2) The governing body may refer existing or proposed ordinances to a vote of the people by resolution.

(3) A petition or resolution for initiative or referendum shall:

(a) embrace only a single comprehensive subject;

(b) set out fully the ordinance sought by petitioners or, in the case of an amendment, set out fully the ordinance sought to be amended and the proposed amendment or, in the case of referendum, set out the ordinance sought to be repealed; and

~~(c) be in the form prescribed in Title 13, chapter 27, except as specifically provided in this part; and~~

~~(d)~~ contain the signatures of 15% of the registered electors of the local government."

Section 300. Section 7-5-136, MCA, is amended to read:

"7-5-136. Submission of question to ~~voters~~ electors.

(1) Any ordinance proposed by petition or any amended ordinance proposed by petition or any referendum on an ordinance which is entitled to be submitted to the electors shall be voted on at the next regular election to be held in the local government unless:

(a) the petition asks that the question be submitted at a special election and is signed by at least 25% of the electors of the local government, in which case the governing body shall call a special election; or

(b) the governing body calls for a special election on the question.

(2) If the adequacy of the petition is determined by the elections administrator less than 45 days prior to the next regular election, the election shall be delayed until the following regular election unless a special election is called.

(3) Whenever a measure is ready for submission to the electors, the appropriate election ~~officer~~ administrator shall in writing notify the governing body and shall publish notice of the election and the ordinance which is to be proposed or amended. In the case of a referendum, the ordinance sought to be repealed shall be published.

(4) The question shall be placed on the ballot, giving

the electors a choice between accepting or rejecting the proposal.

(5) If a majority of those voting favor the proposal, it becomes effective when the election results are officially declared unless otherwise stated in the proposal."

Section 301. Section 7-3-4334, MCA, is amended to read:

"7-3-4334. Procedure to abandon commission-manager form of government. (1) Any municipality which shall have operated for more than 2 years under the provisions of this part and part 44 may abandon ~~such~~ its organization hereunder and accept the provisions of the general law of the state applicable to municipalities of its population.

(2) Upon the petition of ~~not less than 25% of the~~ registered electors of such municipality equal to 25% of the ~~number~~ registered for the last preceding general election, a special election shall be called, at which the following proposition only shall be submitted:

"Shall the (city or town) of (name of city or town) abandon its organization under parts 43 and 44 of chapter 3 of Title 7 and become a (city or town) under the general law governing (cities or towns) of like population or, if formerly organized under special charter, resume said special charter?"

(3) If the majority of the votes cast at ~~such the~~ special election be are in favor of such proposition, the officers elected at the next succeeding biennial election shall be those then prescribed by the general laws of the state for municipalities of like population, and upon the qualification of ~~such the~~ officers, ~~such the~~ municipality shall become a municipality under ~~such the~~ general law of the state, but ~~such the~~ change shall not in any manner or degree affect the property, rights, or liabilities of any nature of ~~such the~~ municipality but shall merely extend to each change in its form of government.

(4) The sufficiency of ~~such the~~ petition shall be determined, the election ordered and conducted, and the results declared as provided for by the provisions of ~~this part and part 44~~ Title 13 insofar as the provisions thereof are applicable. Whenever the form of government of a municipality is determined by a vote of the people under the provisions of this section, the same question ~~shall may~~ not be submitted again for a period of 2 years, and any ordinance adopted by the vote of the people shall not be repealed or the same question submitted for a period of 2 years."

Section 302. Section 7-3-4341, MCA, is amended to read:

"7-3-4341. General provisions relating to elections.

(1) Except as otherwise provided in this part and part 44, ~~all electors of municipalities under this part and part 44 who by ordinances governing cities and towns incorporated under the general municipal incorporation law or by charter would be entitled to vote for the election of officers at any general municipal election in such cities or towns shall be qualified to vote at all elections under this part or part 44~~ all elections shall be conducted as provided in Title 13.

(2) ~~The ballots to be used at such general municipal elections shall be in the same general form as for such primary election so far as applicable and in all elections in such municipalities the election precincts voting places method of conducting the elections canvassing of votes and announcing the results shall be the same as by law provided for the election of officers in such cities or towns so far as the same are applicable and not inconsistent with the provisions of this part and part 44~~ Elected officials provided for in this part and part 44 shall be nominated and elected under the provisions of [sections 137 through section 144]."

Section 303. Section 7-4-2611, MCA, is amended to read:

"7-4-2611. Role and duties of county clerk. (1) The county clerk of any county is also clerk of the county

commissioners and ex officio recorder. Any duty imposed by law upon such officers, either as county clerk, clerk of the county commissioners, or recorder, shall be performed by the county clerk, and any official act performed or certified by the county clerk shall be as valid and effectual as if performed and certified to by him as clerk of the county commissioners or as recorder.

(2) The county clerk must:

(a) take charge of and safely keep or dispose of according to law all books, papers, maps, and records which may be filed or deposited in his office;

(b) record all the proceedings of the board;

(c) make full entries of all its resolutions and decisions on all questions concerning the raising of money for and the allowance of accounts against the county;

(d) record the vote of each member on any question upon which there is a division or at the request of any member present;

(e) sign all orders made and warrants issued by order of the board for the payment of money and certify the same to the county treasurer;

(f) record the reports of the county treasurer of the receipts and disbursements of the county;

(g) preserve and file all accounts acted upon by the board;

(h) preserve and file all petitions and applications for franchises and record the action of the board thereon;

(i) record all orders levying taxes;

(j) designate upon every account allowed by the board the amount allowed and deliver to any person who may demand it a certified copy of any record in his office or any account on file therein;

(k) as often as a new township is organized or the boundaries of any township are altered, immediately make out and transmit to the secretary of state a certified statement of the names and boundaries and the boundaries of any township altered;

(l) keep such other records and books and perform such other duties as are prescribed by law or by rule or order of the board.

~~(3) A county clerk and recorder shall maintain all records and statements filed pursuant to the provisions of title 13 for a period of 10 years from the date of receipt.~~

~~(4) A county clerk and recorder shall accept and file any information voluntarily supplied that exceeds the requirements of title 13.~~

~~(5)~~ ¹³¹ A county clerk and recorder shall file, code, and cross-index all reports and statements filed as prescribed by the commissioner of campaign finances and practices.

~~(67)(4)~~ A county clerk and recorder shall make statements and other information filed with his office available for public inspection and copying during regular office hours and make copying facilities available free of charge or at a charge not to exceed actual cost."

Section 304. Section 7-5-4322, MCA, is amended to read:

"7-5-4322. Election on question of granting franchise.

(1) ~~A notice of such election must be published at least once a week for 3 successive weeks in at least one daily newspaper if there be one published in the city or town and if not in some weekly newspaper of general circulation and such notice must be posted in three public places in the city or town.~~ Notice of the election shall be published as provided in [section 6]. The notice must state the time and place of holding the election, the character of any such the franchise applied for, and the valuable consideration, if there is any, to be derived by the city.

(2) At such election the ballots must contain the words "For granting franchise" and "Against granting franchise", and in voting, the elector must make a cross (X) opposite the answer he intends to vote for. ~~Such the~~ election must be conducted and canvassed and the return made in the same manner as other city or town elections.

(3) If the majority of the votes cast at the election

be ~~are~~ "For granting franchise", the mayor and city council must thereupon grant the same by the passage and approval of a proper ordinance."

Section 305. Section 7-6-4434, MCA, is amended to read:

"7-6-4434. Notice of election on question of additional mill levy. Where the question of making such additional levy is so submitted, notice thereof shall be given ~~by publication for at least 30 days prior to such election in every newspaper published in said city or town and by posting a like notice for the same period of time in a public place in each ward of said city or town as provided for in [section 6].~~

Section 306. Section 7-6-4436, MCA, is amended to read:

"7-6-4436. Conduct of election. (1) ~~The voters shall mark the ballot or ballots in the same manner as other ballots are marked under the election laws of this state.~~

~~(2) The election shall be held and the votes canvassed and returned as in other city or town elections. The election will be conducted as provided by Title 13.~~

Section 307. Section 7-7-2223, MCA, is amended to read:

"7-7-2223. Petition and election required for issuance of certain bonds. (1) County bonds for any purpose other

than those enumerated in 7-7-2221 and 7-7-2311 shall ~~may~~ not be issued unless authorized at a duly called special or general election at which the question of issuing such bonds is submitted to the ~~qualified~~ registered electors of the county and approved as provided in 7-7-2237.

(2) No such bond election may be called unless the board of county commissioners receives a petition, delivered and certified by the ~~county--clerk~~ election administrator, asking that such election be held and such ~~the~~ question be submitted. The petition must be signed by at least 10% of the ~~qualified~~ registered electors of the county. ~~Only persons who are qualified to sign such petitions shall be qualified to circulate the same.~~

Section 308. Section 7-7-2224, MCA, is amended to read:

"7-7-2224. Form and contents of petition. (1) Every petition for the calling of an election to vote upon the question of issuing county bonds shall plainly and clearly state the purpose or purposes for which the proposed bonds are to be issued and shall contain an estimate of the amount necessary to be issued for such purpose or purposes. There may be a separate petition for each purpose, or two or more purposes may be combined in one petition if each purpose, with an estimate of the amount of bonds necessary to be issued therefor, is separately stated in the petition.

(2) ~~Such petition may consist of one sheet or of several sheets, identical in form and fastened together after being circulated and signed so as to form a single complete petition before being delivered to the county clerk. The petition shall be in the form provided in Title 13, chapter 27.~~

~~(3) The petition shall give the post office address and voting precinct of each person signing the same.~~

~~(4) There shall be attached to the completed petition the affidavit of some person who circulated or assisted in circulating such petition that he believes the signatures thereon are genuine and that the signers knew the content thereof before signing.~~

Section 309. Section 7-7-2225, MCA, is amended to read:

"7-7-2225. Filing of petition with ~~county--clerk~~ election administrator certificate. (1) The completed petition shall be filed with the ~~county--clerk~~ election administrator. The ~~clerk~~ election administrator shall, within 15 days thereafter, carefully examine the petition and the county records showing the qualifications of the petitioners and attach thereto a certificate, under his official signature and the seal of his office.

(2) The certificate shall set forth:

(a) the total number of persons individuals who are

1 registered electors;

2 (b) which and how many of the persons individuals
3 whose names are subscribed to the petition possess all of the
4 qualifications required of signers of such a petition;

5 (c) whether such qualified signers constitute more or
6 less than 20% of the registered electors of the county."

7 Section 310. Section 7-7-2226, MCA, is amended to
8 read:

9 "7-7-2226. Delivery of certified petition to board of
10 county commissioners. (1) After completing the certificate
11 required by 7-7-2225, the ~~county-clerk~~ election
12 administrator shall deliver the certified petition to the
13 board of county commissioners.

14 (2) When ~~such~~ the petition has been filed with the
15 ~~county-clerk~~ election administrator and he has found that it
16 has a sufficient number of signers qualified to sign ~~the~~
17 ~~same~~ it, he shall place ~~the-same~~ it before the board at its
18 first meeting held after he has attached his certificate
19 thereto."

20 Section 311. Section 7-7-2227, MCA, is amended to
21 read:

22 "7-7-2227. Examination of petition -- resolution
23 calling for election. (1) Upon delivery of the certified
24 petition, the board shall carefully examine the petition and
25 make such other investigation as it may deem consider

1 necessary. If it is found that the petition is in proper
2 form, bears the requisite number of signers of qualified
3 petitioners, and is in all other respects sufficient, the
4 board shall pass and adopt a resolution.

5 (2) The resolution shall:

6 (a) recite the essential facts in regard to the
7 petition and its filing and presentation and the purpose or
8 purposes for which the bonds are proposed to be issued;

9 (b) fix the exact amount of bonds proposed to be
10 issued for each purpose, which amount may be less than but
11 must not exceed the amount set forth in the petition;

12 (c) determine the number of years through which such
13 bonds are to be paid, not exceeding the limitations fixed in
14 7-7-2206; and

15 (d) make provision for having ~~such~~ the question
16 submitted to the ~~qualified~~ registered electors of the county
17 at the next general election or at a special election which
18 the board may call for ~~such~~ that purpose."

19 Section 312. Section 7-7-2228, MCA, is amended to
20 read:

21 "7-7-2228. Time of holding election on question of
22 issuing bonds. The bond election required by 7-7-22'3 may
23 not be held any sooner than ~~60~~ 90 days after receipt of the
24 petition by the county commissioners and must be held no
25 later than the first general election following the 69

20-day period."

Section 313. Section 7-7-2229, MCA, is amended to read:

"7-7-2229. Notice of election. (1) Whether such election is held at the general election or at a special election, separate notice shall be given thereof.

(2) (a) ~~Such~~ The notice shall state:

(i) the date when ~~such~~ the election will be held;

(ii) the hours between which the polls will be open;

(iii) the amount of bonds proposed to be issued;

(iv) the purpose of the issue;

(v) the term of years through which the bonds are to be paid; and

(vi) such other information regarding the holding of the election and the bonds proposed to be issued as the board may deem ~~consider~~ proper.

(b) If bonds are to be issued for two or more purposes, each purpose and the amount therefor must be separately stated.

(3) ~~Such~~ The notice ~~shall be published as provided in~~
[section 6].

~~{a}--shall-be-posted-in-each-voting-precinct-throughout the--county--in--the--same--manner--as--notices--for--a--general election--are--required--to--be--posted;--and~~

~~{b}--must--also--be--published--in--the--official--newspaper~~

~~of--the--county--once--each--week--for--4--consecutive--weeks preceding--the--election."~~

Section 314. Section 7-7-2237, MCA, is amended to read:

"7-7-2237. Percentage of electors required to authorize bond issue. (1) Whenever the question of issuing county bonds for any purpose is submitted to the ~~qualified~~ registered electors of a county at either a general or special election, not less than 40% of the ~~qualified~~ registered electors entitled to vote on ~~such~~ the question must vote thereon; otherwise, ~~such~~ the proposition shall be deemed considered to have been rejected.

(2) If 40% or more of ~~such--qualified~~ the registered electors do vote on ~~such~~ the question at ~~such~~ the election and a majority of ~~such~~ the votes shall be cast in favor of ~~such~~ the proposition, then ~~such~~ the proposition shall be deemed considered to have been approved and adopted."

Section 315. Section 7-7-4221, MCA, is amended to read:

"7-7-4221. Election on question of incurring indebtedness -- exception. (1) Except as provided in subsection (2), whenever the council or commission of any city or town having a corporate existence in this state or hereafter organized under any of the laws thereof shall deem consider it necessary to issue bonds pledging the general

1 credit of the municipality for any purpose whatever under
 2 its powers as set forth in any statute or statutes of this
 3 state or amendments thereto, the question of issuing such
 4 bonds shall first be submitted to the registered electors of
 5 such ~~the~~ city or town ~~who are qualified to vote on such~~
 6 ~~question~~ in the manner hereinafter set forth.

7 (2) It shall not be necessary to submit to such ~~the~~
 8 electors the question of issuing refunding bonds to refund
 9 bonds theretofore issued and then outstanding or the
 10 question of issuing revenue bonds not pledging the general
 11 credit of the municipality under any laws of this state.

12 (3) No bonds shall be issued by a city or town
 13 pledging the general credit of the municipality for any
 14 purpose except to fund or refund warrants or bonds issued
 15 prior to and outstanding on July 1, 1942, as authorized in
 16 this section, unless authorized at a duly called special or
 17 general election at which the question of issuing such bonds
 18 is submitted to the qualified registered electors of the
 19 city or town and approved as hereinafter provided."

20 Section 316. Section 7-7-4226, MCA, is amended to
 21 read:

22 "7-7-4226. Resolution to submit question of issuing
 23 bond to voters. (1) When the council or commission of any
 24 city or town ~~deems~~ considers it necessary to issue bonds
 25 pledging the general credit of the municipality pursuant to

1 any statute of this state, the council shall pass and adopt
 2 a resolution.

3 (2) The resolution shall:

4 (a) recite the purpose or purposes for which it is
 5 proposed to issue such bond;

6 (b) fix the amount of bonds to be issued for each
 7 purpose;

8 (c) determine the number of years through which such
 9 ~~the~~ bonds are to be paid, not exceeding the limits fixed in
 10 7-7-4201; and

11 (d) unless such ~~the~~ bonds are revenue bonds not
 12 pledging the general credit of the municipality, make such
 13 provisions as are necessary for having the question
 14 submitted to the qualified registered electors of the city
 15 or town at the next general city or town election or at a
 16 special election which the council or commission may call
 17 for such ~~the~~ purpose.

18 (3) In cases where the bond issuance is proposed by
 19 petition, the council or commission shall, before submitting
 20 the measure to the electorate, pass a resolution containing
 21 the information herein required and, in addition thereto,
 22 setting forth the essential facts in regard to the filing
 23 and presentation of the petition."

24 Section 317. Section 7-7-4227, MCA, is amended to
 25 read:

1 "7-7-4227. Notice of election. (1) Whether such
2 election is held at the general city or town election or at
3 a special election, separate notice shall be given thereof.

4 (2) (a) ~~Such~~ the notice shall state:

5 (i) the date when ~~such~~ the election will be held;
6 (ii) the hours between which the polls will be open;
7 (iii) the amount of bonds proposed to be issued;
8 (iv) the purpose thereof;
9 (v) the term of years through which the bonds will be
10 paid; and

11 (vi) such other information regarding the election and
12 the proposed bonds as the board may deem consider proper.

13 (b) If the bonds proposed to be issued are for two or
14 more purposes, each purpose and the amount thereof must be
15 separately stated.

16 (3) ~~Such~~ the notice ~~shall be~~:

17 (a) ~~shall be~~ posted in each voting precinct in the
18 city or town at least 10 days prior to the date for holding
19 ~~such~~ the election; and

20 (b) ~~must also be published once a week for a period~~
21 ~~of not less than 2 consecutive weeks immediately preceding~~
22 ~~the date for holding such election in some newspaper~~
23 ~~published in the city or town if there be one and if not~~
24 ~~then in a newspaper published in the state at a point in the~~
25 ~~state nearest to the city or town and designated by the city~~

1 ~~or town council as provided in [section 6]."~~

2 Section 318. Section 7-7-4235, MCA, is amended to
3 read:

4 "7-7-4235. Percentage of ~~voters~~ electors required to
5 authorize the issuing of bonds. (1) Wherever the question of
6 issuing bonds for any purpose is submitted to the qualified
7 registered electors of a city or town at either a general or
8 special election, not less than 40% of the qualified
9 registered electors entitled to vote on ~~such~~ the proposition
10 or question must vote thereon; otherwise, ~~such~~ the
11 proposition shall be deemed considered to have been
12 rejected.

13 (2) If 40% or more of ~~such~~ the qualified registered
14 electors do vote on ~~such~~ the proposition or question at ~~such~~
15 the election and a majority of ~~such~~ the votes ~~shall be~~ are
16 cast in favor of ~~such~~ the question or proposition, then ~~such~~
17 the proposition or question shall be deemed considered to
18 have been adopted and approved."

19 Section 319. Section 7-13-2210, MCA, is amended to
20 read:

21 "7-13-2210. Notice of election. (1) The notice of
22 election required by 7-13-2208 shall describe the boundaries
23 so established and shall state the proposed name of the
24 proposed incorporation (which name shall contain the words
25 ".... county county water and/or sewer district").

~~(2) This notice shall be published once each week for 2 consecutive weeks in a newspaper printed and published in every county in which said district lies. The first publication shall be made at least 2 weeks before the time at which the election is to be held as provided in [section 6]."~~

Section 320. Section 7-13-2211, MCA, is amended to read:

"7-13-2211. Conduct of election on question of creating district. (1) The election on the question of creating the district shall be conducted, the vote canvassed, and the result declared in the same manner as provided by ~~law~~ Title 13 in respect to general elections, so far as they ~~may be~~ are applicable, except as otherwise provided in this part and part 23.

(2) At ~~such the~~ election the proposition to be submitted shall be: "Shall the proposition to organize county ~~County~~ water and/or sewer district under parts 21 and 23 of chapter 13 of Title 7 be adopted?"

~~(3) Within 4 days after such election, the vote shall be canvassed by the board of commissioners."~~

Section 321. Section 7-13-2212, MCA, is amended to read:

"7-13-2212. Qualifications to vote on question of creating district. (1) Except as provided in subsection (2),

no person individual shall be entitled to vote at any election under the provisions of this part and part 23 unless such person individual possesses all the qualifications required of voters ~~electors~~ under the general election laws of the state and is a resident of the proposed district or the owner of taxable real property located within the county in which he proposes to vote and situated within the boundaries of the proposed district.

(2) ~~A person~~ An individual who is the owner of such real property need not possess the qualifications required of ~~a voter an elector~~ in 13-1-111(1)(c), provided that such voter ~~elector~~ shall be ~~is~~ qualified if he is registered to vote in any state of the United States and files proof of such registration with the election administrator."

Section 322. Section 7-13-2231, MCA, is amended to read:

"7-13-2231. District to be governed by board of directors. (1) At an election to be held within ~~such a~~ district under the provisions of this part and part 23 and the laws governing general elections not inconsistent therewith, the district thus organized shall proceed within 90 ~~120~~ days after its formation to the election of a board of directors.

(2) The board of directors ~~shall be~~ is the governing body of such district."

1 Section 323. Section 7-13-2234, MCA, is amended to
2 read:

3 "7-13-2234. Term of office. (1) All directors, elected
4 or appointed, shall hold office until the election and
5 qualification or appointment and qualification of their
6 successors.

7 (2) The term of office of directors elected under the
8 provisions of this part and part 23 shall be 4 years from
9 and after the date of their election, provided that the
10 directors first elected after March 13, 1957, formation of a
11 new district shall hold office only until the election and
12 qualification of their successors ~~as hereinafter provided at~~
13 the first regular election which shall be held in November
14 of the next odd-numbered year.

15 (3) The term of office of directors appointed by ~~said~~
16 ~~the~~ mayor or mayors or by ~~said the~~ board of commissioners
17 shall be 6 years from and after the date of appointment.
18 Directors to be first appointed under the provisions of this
19 part and part 23 shall be appointed within 90 days after the
20 formation of the district."

21 Section 324. Section 7-13-2236, MCA, is amended to
22 read:

23 "7-13-2236. General district election. The election of
24 directors of such ~~the~~ district shall be ~~in every fourth year~~
25 ~~after its organization on the fourth Tuesday in March and~~

1 ~~shall be known as the general district election held every 4~~
2 ~~years with the election for local government officials~~
3 ~~provided for in 13-1-104(2)."~~

4 Section 325. Section 7-13-2238, MCA, is amended to
5 read:

6 "7-13-2238. Form of petition. (1) The petition of
7 nomination shall consist of not less than five individual
8 certificates, which shall read substantially as follows:

9 PETITION OF NOMINATION

10 Individual Certificate

11 State of

12 County of

13 Precinct No.

14 I, the undersigned, certify that I do hereby join in a
15 petition for the nomination of, whose residence is at
16, for the office of of the district, to be
17 voted for at the district election to be held in the
18 district on the day of, 19..; and I further
19 certify that I am a qualified registered elector and an
20 owner or lessee of real property within said district or a
21 resident therein and am not at this time a signer of any
22 other petition nominating any other candidate for the
23 above-named office or, in case there are several places to
24 be filled in the above-named office, that I have not signed

1 more petitions than there are places to be filled in the
2 above-named office; that my residence is at No.
3 street,, and that my occupation is

4 (Signed)

5 State of Montana

6 County of

7, being duly sworn, deposes and says that he is the
8 person individual who signed the foregoing certificate and
9 that the statements therein are true and correct.

10 (Signed)

11 Subscribed and sworn to before me this day of,
12 19...

13

14 Notary Public

15 The petition of nomination of which this certificate
16 forms a part shall, if found insufficient, be returned to
17, at, Montana.

18 (2) It shall be the duty of the county-clerk election
19 administrator to furnish, upon application, a reasonable
20 number of forms of individual certificates of the above
21 character. If the district lies in more than one county, the
22 county-clerk election administrator whose county contains
23 the largest percentage of the territory of ~~said the~~ district
24 shall fulfill this function."

1 Section 326. Section 7-13-2239, MCA, is amended to
2 read:

3 "7-13-2239. Details relating to petition certificates.

4 (1) Each certificate must be a separate paper.

5 (2) All certificates must be of uniform size as
6 determined by the county-clerk election administrator.

7 (3) Each certificate must contain the name of one
8 signer thereto and no more. Each certificate shall contain
9 the name of one candidate and no more.

10 (4) Each certificate shall ~~further~~ contain the name
11 and address of the person to whom the petition is to be
12 returned in case ~~said the~~ petition is found insufficient."

13 Section 327. Section 7-13-2240, MCA, is amended to
14 read:

15 "7-13-2240. Qualifications to sign petition. (1) Each
16 signer must be a ~~qualified~~ registered elector owning real
17 property or residing within ~~said the~~ district.

18 (2) Each ~~No~~ signer must-not ~~may~~ at the time of signing
19 a certificate have his name signed to any other certificate
20 for any other candidate for the same office or, in case
21 there are several places to be filled in the same office,
22 signed to more certificates for candidates for that office
23 than there are places to be filled in ~~such the~~ office. In
24 case an elector has signed two or more conflicting
25 certificates, all such certificates shall be rejected.

1 (3) Each signer must verify his certificate and make
2 oath that the same is true before a notary public."

3 Section 328. Section 7-13-2241, MCA, is amended to
4 read:

5 "7-13-2241. Presentation of petition of nomination.

6 (1) A petition of nomination, consisting of not less than
7 five individual certificates for any one candidate, may be
8 presented to the ~~county-clerk~~ election administrator not
9 earlier than 45 ~~65~~ days or later than 30 ~~50~~ days before the
10 election. The ~~county-clerk~~ election administrator shall
11 endorse thereon the date upon which the petition was
12 presented to him.

13 (2) If the district lies in more than one county, ~~such~~
14 ~~the~~ petition for nomination shall be presented to the county
15 ~~clerk~~ election administrator whose county contains the
16 largest percentage of the territory of ~~said the~~ district and
17 ~~said the county-clerk~~ election administrator shall fulfill
18 all duties assigned to ~~county-clerks~~ election administrators
19 in elections under this part and part 23."

20 Section 329. Section 7-13-2242, MCA, is amended to
21 read:

22 "7-13-2242. Examination of petition. (1) When a
23 petition of nomination is presented for filing to the county
24 ~~clerk~~ election administrator, he shall forthwith examine the
25 same and ascertain whether or not it conforms to the

1 provisions of 7-13-2237 through 7-13-2247. If found not to
2 conform thereto, he shall then--and--there in writing
3 designate on ~~said the~~ petition the defect or omission or
4 reason why ~~such the~~ petition cannot be filed and shall
5 return the petition to the person individual named as the
6 person individual to whom ~~the same it~~ may be returned in
7 accordance with 7-13-2240.

8 (2) The petition may then be amended and again
9 presented to the ~~clerk~~ administrator as in the first
10 instance but in no case may a petition be presented later
11 than 50 days before the election. The ~~clerk~~ administrator
12 shall forthwith proceed to examine the petition as
13 hereinbefore provided."

14 Section 330. Section 7-13-2243, MCA, is amended to
15 read:

16 "7-13-2243. Assistance for ~~county-clerk~~ election
17 administrator. If necessary, the board of commissioners
18 shall provide extra help to enable the ~~clerk~~ election
19 administrator to perform satisfactorily and promptly the
20 duties imposed by 7-13-2235 through 7-13-2253."

21 Section 331. Section 7-13-2244, MCA, is amended to
22 read:

23 "7-13-2244. Filing of petitions. (1) If either the
24 original or amended petition of nomination ~~be is~~ found
25 sufficiently signed as hereinbefore provided, the ~~clerk~~

~~election administrator~~ shall file ~~the same~~ ~~it-25-days-before~~
~~the-date-of-the-election.~~

(2) When a petition of nomination ~~shall have~~ has been
 filed by the clerk ~~election administrator~~, it ~~shall~~ may not
 be withdrawn or added to, and no signatures ~~shall~~ may be
 revoked thereafter."

Section 332. Section 7-13-2246, MCA, is amended to
 read:

"7-13-2246. Withdrawal of candidacy. (1) Any person
 individual whose name has been presented under 7-13-2235
 through 7-13-2248 as a candidate ~~may~~, not later than ~~25~~ 30
 days before the day of election, cause his name to be
 withdrawn from nomination by filing with the county clerk
~~election administrator~~ a request therefor in writing, and no
 name ~~so~~ withdrawn ~~shall~~ may be printed upon the ballot.

(2) If, upon such withdrawal, the number of candidates
 remaining does not exceed the number to be elected, then
 other nominations may be made by filing petitions therefor
 not later than ~~25~~ 30 days prior to ~~such the~~ election."

Section 333. Section 7-13-2261, MCA, is amended to
 read:

"7-13-2261. Recall of officers. Every incumbent of an
 elective office, whether elected by popular vote for a full
 term or elected by the board of directors to fill a vacancy
 or appointed by a mayor or ~~by-said~~ board of commissioners

for a full term, is subject to recall by the voters ~~electors~~
 of any district organized under the provisions of this part
 and part 23 in accordance with ~~the--recall--provisions~~
~~applicable--to--officers-under-the-commissioner-manager-plan~~
Title 2, chapter 16, part 6."

Section 334. Section 7-13-2323, MCA, is amended to
 read:

"7-13-2323. Election on question of incurring bonded
 indebtedness. ~~{1}~~ The board of directors shall fix a date
 upon which an election shall be held for the purpose of
 authorizing ~~said the~~ bonded indebtedness to be incurred. ~~it~~
~~shall--be--the-duty-of-the-board-to-provide-for-holding-such~~
~~special-election-on-the-day-so-fixed-in-accordance-with-the~~
~~general-election-laws-of-the-state-so-for-as-the-same--shall~~
~~be-applicable-except-as-otherwise-provided-in-this-part-and~~
~~part-22.~~

~~{2}--The--officers--selected--to--conduct--the-election~~
~~shall-consist-of-one-judge-one-inspector-and-two-clerks-in~~
~~each-precinct.~~

~~{3}--All-the-expenses-of-holding-such-election-shall-be~~
~~borne-by-the-districts."~~

Section 335. Section 7-13-2324, MCA, is amended to
 read:

"7-13-2324. Notice of election on incurring bonded
 indebtedness. (1) ~~Such the~~ board of directors shall give

1 notice of the holding of ~~such the~~ election. The notice shall
 2 contain the resolution adopted by the board of directors of
 3 the district, boundaries of voting precincts, which shall
 4 include therein only the lands to be benefited as stated in
 5 ~~such the~~ resolution, and the location of polling places, and
 6 ~~the names of the officers selected to conduct the election.~~

7 (2) ~~Such the~~ notice shall be published once each week
 8 ~~for a consecutive weeks in a newspaper published in each~~
 9 ~~county wherein such district is located, the newspaper or~~
 10 ~~newspapers shall be designated by the board as provided in~~
 11 ~~[section 6]."~~

12 Section 336. Section 7-13-2325, MCA, is amended to
 13 read:

14 "7-13-2325. Qualifications to vote on question of
 15 incurring bonded indebtedness. Every qualified registered
 16 elector owning or residing upon real property within such
 17 voting precincts, but no others, shall be entitled to vote
 18 at ~~such the~~ election."

19 Section 337. Section 7-13-2328, MCA, is amended to
 20 read:

21 "7-13-2328. Sufficient vote required to issue bonds.
 22 If from such returns it appears that 50% or more of the
 23 votes cast on the question at such election were in favor of
 24 and assented to the incurring of such indebtedness, then the
 25 board of directors may by resolution, at such time or times

1 as it ~~deems~~ considers proper, provide for the form and
 2 execution of ~~such the~~ bonds and for the issuance of any part
 3 thereof."

4 Section 338. Section 7-14-203, MCA, is amended to
 5 read:

6 "7-14-203. Petition to create urban transportation
 7 district. Proceedings for creation of a transportation
 8 district may be initiated by a petition signed by not less
 9 than 20% of the qualified registered electors who reside
 10 within the proposed district."

11 Section 339. Section 7-14-204, MCA, is amended to
 12 read:

13 "7-14-204. Details relating to petition. (1) The
 14 ~~petition shall consist of one sheet or several sheets~~
 15 ~~identical in form and fastened together after being~~
 16 ~~circulated and signed so as to form a single complete~~
 17 ~~petition before being delivered to the county clerk.~~

18 (2) The petition shall ~~give the address of each~~
 19 ~~petitioner and~~ shall include a map showing the limits of the
 20 proposed district and shall be in the form provided in Title
 21 13, chapter 27."

22 Section 340. Section 7-14-205, MCA, is amended to
 23 read:

24 "7-14-205. Petition to be filed with county clerk
 25 clerk's election administrator certificate. (1) The complete

petition shall be filed with the county--clerk election administrator.

(2) The county--clerk election administrator shall, within 30 days thereafter, carefully examine the ~~same~~ petition and attach to it a certificate under his official signature and the seal of his office. The certificate shall set forth:

(a) the total number of persons individuals who are registered electors within the proposed transportation district; and

(b) which and how many of the persons individuals whose names are on the petitions are qualified to sign ~~such~~ the petition."

Section 341. Section 7-14-206, MCA, is amended to read:

"7-14-206. Effect of insufficient number of signatures. If the petition is found to contain less than 20% of the signatures of the ~~qualified~~ registered electors of the transportation district, the petition shall be declared void."

Section 342. Section 7-14-211, MCA, is amended to read:

"7-14-211. Conduct of election on question of creating district. (1) The election shall be held in all respects, as nearly as practicable, in conformity with the general

election laws.

(2) At the election, the ballots shall contain the words:

☐ Transportation District district -- Yes

☐ Transportation District district -- No

~~(3) --The judges of the election shall certify to the commissioners the results of the elections"~~

Section 343. Section 7-14-214, MCA, is amended to read:

"7-14-214. Election of members of transportation board. (1) Any ~~qualified~~ registered elector in the district may file a petition of candidacy with the county--clerk--and recorder election administrator of the county where the district is located. No filing fee shall be required. All candidates shall file a nonpartisan petition for candidacy as provided in [section 139].

(2) The names of the six candidates receiving the highest number of votes in the primary election shall be placed on the ballots in the county general election."

Section 344. Section 7-15-4408, MCA, is amended to read:

"7-15-4408. Voter approval required to create housing authority. The ordinance authorized by 7-15-4406(1) shall not be effective until it has been approved by a majority vote of the registered electors within the city limits

1 voting at either a special or general election."

2 Section 345. Section 7-34-2110, MCA, is amended to
3 read:

4 "7-34-2110. Resolution calling for election. (1) ~~Said~~
5 ~~The~~ board in its resolution of reference may make such
6 changes in the boundaries of the proposed district as it may
7 ~~deem~~ considers advisable, without~~y-however~~ including any
8 additional lands not described in the petition, and it shall
9 call an election upon the question of the creation of the
10 district.

11 (2) The board must designate in its resolution whether
12 a special election shall be held or whether the matter shall
13 be determined at the next general election. If a special
14 election is ordered, the board must specify in its order the
15 date for such election~~--and--the--voting--places--and--shall~~
16 ~~appoint-and-designate-judges-and-clerks-therefor."~~

17 Section 346. Section 7-34-2112, MCA, is amended to
18 read:

19 "7-34-2112. Conduct of election on question of
20 creating district. (1) The election shall be held in all
21 respects, as nearly as practicable, in conformity with the
22 general election laws. ~~if-a-special-election-is-held-the~~
23 ~~polls-shall-be-open-from-8--a.m.--to-6--p.m.--on--the--day~~
24 ~~appointed-for-such-elections~~

25 (2) At such ~~the~~ election, the ballots must contain the

1 words "Hospital ~~District~~~~--YES~~ district -- Yes" and "Hospital
2 ~~District~~~~--NO~~ district -- No".

3 ~~(3)--The--judges--of--the--election--shall--certify--to--the~~
4 ~~board-of-county-commissioners--the--results--of--said--elections"~~

5 Section 347. Section 7-34-2116, MCA, is amended to
6 read:

7 "7-34-2116. Election of first board of trustees. (1)
8 The first board of trustees shall be elected at the same
9 election held upon the creation of the district, subject to
10 the creation thereof, and shall qualify upon the
11 organization of the district, if created.

12 (2) The trustees may be nominated and have their names
13 appear upon the ballots ~~upon-the-filing-with-the-board-of~~
14 ~~county-commissioners--of--a--petition--signed--by--any--five~~
15 ~~qualified--electors--of--the--districts--Any--elector--may--sign--as~~
16 ~~many--nominating--petitions--as--there--are--persons--to--be--elected~~
17 as provided in [section 139].

18 Section 348. Section 7-34-2117, MCA, is amended to
19 read:

20 "7-34-2117. Procedure for the conduct of election for
21 trustees. (1) All elections and nominations for election of
22 trustees following the election of the first board of
23 trustees shall be conducted by ~~said-qualified-voters-in--the~~
24 ~~some--manner--as--provided--by--the--laws--of--Montana--for--the~~
25 ~~election-of-school--trustees--of--a--second--or--third--class~~

~~school district provided that wherever in the laws of Montana it is provided that certain actions shall be performed or filings made with the clerk of the school board the trustees or the board of trustees of the school district or the county superintendent of schools the same shall for the purposes of this part be taken to refer to the clerk of the board of trustees of the public hospital district the trustees or the board of trustees of the public hospital district or the county clerk respectively at the time and in the manner provided by Title 13.~~

(2) If there is no nomination petition filed, it shall not be necessary to hold an election but the board of county commissioners shall appoint a trustee to fill the term, the term to be the same as if the trustee were elected."

Section 349. Section 7-34-2414, MCA, is amended to read:

"7-34-2414. Election required on question of issuance of bonds. (1) No such bonds may be issued by any county until the question of approval of the issuance of such bonds has been submitted to the qualified registered electors of the county at a general election or a special election called for that purpose by the governing body of the county and the majority of the electors voting on the question have voted in favor thereof. The notice and conduct of the election shall be governed, to the extent applicable, by

7-7-2229 through 7-7-2231, 7-7-2233, and 7-7-2234.

(2) If a majority of the electors voting thereon vote against the issuance of such the bonds, the county shall have no authority to issue such the bonds under 7-34-2411 through 7-34-2418."

Section 350. Section 7-35-2106, MCA, is amended to read:

"7-35-2106. Election details. (1) In its order the board must designate whether or not a special election shall be held or whether the matter shall be determined at the next general election. If a special election is ordered, the board must in its order specify the time and place for such election and the voting place and shall in said order appoint and designate judges and clerks therefor.

(2) The election shall be held in all respects, as nearly as practicable, in conformity with the general election laws. ~~The polls shall be open from 8 a.m. to 6 p.m. on the day appointed for such elections~~

(3) At such election, the ballots must contain the words "Cemetery District district -- Yes" and "Cemetery District district -- No".

~~(4) The judges of the election shall certify to the board of county commissioners the results of said election.~~

Section 351. Section 20-3-106, MCA, is amended to read:

1 "20-3-106. Supervision of schools -- powers and
2 duties. The superintendent of public instruction has the
3 general supervision of the public schools and districts of
4 the state, and he shall perform the following duties or acts
5 in implementing and enforcing the provisions of this title:

6 (1) resolve any controversy resulting from the
7 proration of joint costs by a joint board of trustees under
8 the provisions of 20-3-362;

9 (2) issue, renew, or deny teacher certification and
10 emergency authorizations of employment and give notice of
11 teacher certification suspension or revocation proceedings
12 to be conducted by the board of public education in
13 accordance with the provisions of the teacher certification
14 part of this title;

15 (3) negotiate reciprocal tuition agreements with other
16 states in accordance with the provisions of 20-5-314;

17 (4) serve on the teachers' retirement board in
18 accordance with the provisions of 2-15-1010;

19 ~~(5)--prescribe--absentee--voting--forms--and--rules--in~~
20 ~~accordance-with-the-provisions-of-20-20-1041~~

21 ~~(6)(5)~~ approve or disapprove the orders of a high
22 school boundary commission in accordance with the provisions
23 of 20-6-311;

24 ~~(7)(6)~~ approve or disapprove the opening or reopening
25 of a school in accordance with the provisions of 20-6-502,

1 20-6-503, 20-6-504, or 20-6-505;

2 ~~(8)(7)~~ approve or disapprove school isolation within
3 the limitations prescribed by 20-9-302;

4 ~~(9)(8)~~ generally supervise the school budgeting
5 procedures prescribed by law in accordance with the
6 provisions of 20-9-102 and prescribe the school budget
7 format in accordance with the provisions of 20-9-103 and
8 20-9-505;

9 ~~(10)(9)~~ establish a system of communication for
10 calculating joint district revenues in accordance with the
11 provisions of 20-9-151;

12 ~~(11)(10)~~ approve or disapprove the adoption of a
13 district's emergency budget resolution under the conditions
14 prescribed in 20-9-163 and publish rules for an application
15 for additional state aid for an emergency budget in
16 accordance with the approval and disbursement provisions of
17 20-9-166;

18 ~~(12)(11)~~ generally supervise the school financial
19 administration provisions as prescribed by 20-9-201(2);

20 ~~(13)(12)~~ prescribe and furnish the annual report forms
21 to enable the districts to report to the county
22 superintendent in accordance with the provisions of
23 20-9-213(5) and the annual report forms to enable the county
24 superintendents to report to the superintendent of public
25 instruction in accordance with the provisions of 20-3-209;

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1 †14†(113) approve, disapprove, or adjust an increase of
2 the average number belonging (ANB) in accordance with the
3 provisions of 20-9-313 and 20-9-314;

4 †15†(114) distribute state equalization aid in support
5 of the foundation program in accordance with the provisions
6 of 20-9-342, 20-9-346, and 20-9-347;

7 †16†(115) estimate the statewide equalization level for
8 the foundation program in accordance with the provisions of
9 20-9-348;

10 †17†(116) distribute state impact aid in accordance with
11 the provisions of 20-9-304;

12 †18†(117) provide for the uniform and equal provision of
13 transportation by performing the duties prescribed by the
14 provisions of 20-10-112;

15 †19†(118) approve or disapprove an adult education
16 program for which a district proposes to levy a tax in
17 accordance with the provisions of 20-7-705;

18 †20†(119) request, accept, deposit, and expend federal
19 moneys in accordance with the provisions of 20-9-603;

20 †21†(120) authorize the use of federal moneys for the
21 support of an interlocal cooperative agreement in accordance
22 with the provisions of 20-9-703 and 20-9-704;

23 †22†(121) prescribe the form and contents of and approve
24 or disapprove interstate contracts in accordance with the
25 provisions of 20-9-705;

1 †23†(122) approve or disapprove the conduct of school on
2 a Saturday or on pupil-instruction-related days in
3 accordance with the provisions of 20-1-303 and 20-1-304;

4 †24†(123) recommend standards of accreditation for all
5 schools to the board of public education and evaluate
6 compliance with such standards and recommend accreditation
7 status of every school to the board of public education in
8 accordance with the provisions of 20-7-101 and 20-7-102;

9 †25†(124) collect and maintain a file of curriculum
10 guides and assist schools with instructional programs in
11 accordance with the provisions of 20-7-113 and 20-7-114;

12 †26†(125) establish and maintain a library of visual,
13 aural, and other educational media in accordance with the
14 provisions of 20-7-201;

15 †27†(126) license textbook dealers and initiate
16 prosecution of textbook dealers violating the law in
17 accordance with the provisions of the textbooks part of this
18 title;

19 †28†(127) administer and perform the duties as the
20 executive officer of the board of public education for
21 vocational education in accordance with the provisions of
22 20-7-302;

23 †29†(128) consider applications for the designation of a
24 postsecondary vocational-technical center in accordance with
25 the provisions of 20-7-311;

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1 ~~{30}{129}~~ establish a fund for the handling of
2 postsecondary vocational-technical center fees in accordance
3 with the provisions of 20-7-333;

4 ~~{31}{30}~~ supervise and coordinate the conduct of
5 special education in the state in accordance with the
6 provisions of 20-7-403;

7 ~~{32}{31}~~ administer the traffic education program in
8 accordance with the provisions of 20-7-503;

9 ~~{33}{32}~~ administer the school food services program in
10 accordance with the provisions of 20-10-201, 20-10-202, and
11 20-10-203;

12 ~~{34}{33}~~ review school building plans and
13 specifications in accordance with the provisions of
14 20-6-622;

15 ~~{35}{34}~~ prescribe the method of identification and
16 signals to be used by school safety patrols in accordance
17 with the provisions of 20-1-408; and

18 ~~{36}{35}~~ perform any other duty prescribed from time to
19 time by this title, any other act of the legislature, or the
20 policies of the board of public education."

21 Section 352. Section 20-3-306, MCA, is amended to
22 read:

23 "20-3-306. Conduct of election--and--ballot. {1} The
24 trustees of each district shall call a trustee election on
25 the regular school election day of each school fiscal year

1 under the provisions of 20-20-201, except as provided in
2 20-3-344. The trustees shall call and conduct the trustee
3 election in the manner prescribed in this title for school
4 elections and Title 13. Any elector qualified to vote under
5 the provisions of 20-20-301 may vote at a trustee election.

6 ~~{2}--The--trustee--election--ballots--shall--be~~
7 ~~substantially in the following form:~~

8 OFFICIAL-BALLOT

9 SCHOOL-TRUSTEE-ELECTION

10 INSTRUCTIONS--TO--VOTERS--Make--an--X--or--similar--mark--in--the
11 vacant--square--before--the--name--of--the--candidate--for--whom--you
12 wish--to--vote:

13 Vote--for--{indicate number to be elected}--for--a--3--year
14 term:

15 ☐ {list the names of the candidates for a--3--year--term
16 with--a--vacant--square--in--front--of--each--name:}

17 Vote--for--{indicate number to be elected}--for--a--2--year
18 term:

19 ☐ {list the names of the candidates for a--2--year--term
20 with--a--vacant--square--in--front--of--each--name:}

21 Vote--for--{indicate number to be elected}--for--a--1--year
22 term:

23 ☐ {list the names of the candidates for a--1--year--term
24 with--a--vacant--square--in--front--of--each--name:}

25 {3}--In--preparing--the--ballots--only--those--portions--of

~~the prescribed ballot that are applicable to the election to be conducted need to be used. The ballot also shall be prepared with blank lines and vacant squares in front of the lines in a sufficient number to allow write-in voting for each trustee position that is subject to election.~~

~~(4) When additional trustees in a high school district are to be elected, a separate ballot shall be used in each nominating district showing only the names of those candidates for which the electors of such district are entitled to vote.~~

Section 353. Section 20-3-304, MCA, is amended to read:

"20-3-304. Annual election. In each district an election of trustees shall be conducted annually on the regular school election day, the first Tuesday of April. Election of trustees shall comply with the election provisions of Title 13 and this title."

Section 354. Section 20-9-424, MCA, is amended to read:

"20-9-424. Validation of petition and ~~the~~ county registrar's election administrator's certificate. (1) The petitioners for a school district bond election shall submit their petition to the county registrar election administrator of the county where the school district is located for validation of the signatures on the petition.

The county registrar election administrator shall examine the petition and ~~shall~~ attach or endorse thereon a certificate which shall state:

(a) the total number of electors of the school district who are, at the time, qualified to vote under the provisions of 20-20-301;

(b) which and how many of the persons individuals whose names are subscribed to the petition possess the qualifications to vote on a bond proposition; and

(c) whether the number of qualified signers established in subsection (1)(b) is more or less than 20% of the total number of qualified registered electors established in subsection (1)(a).

(2) After completing the examination, the county registrar election administrator shall immediately send the petition and his certificate to the school district. The county registrar election administrator shall not receive compensation for the examination of school district bond petitions."

Section 355. Section 20-20-102, MCA, is amended to read:

"20-20-102. Precedence of school election provisions. ~~Unless specifically identified in any section of the election laws prescribed in Title 13, school elections shall be governed by the provisions of this title.~~ Except as

~~otherwise provided in this title, school elections shall be conducted and canvassed and the results shall be returned in the same manner as provided for general elections in Title 13.~~ Should there be a conflict between the requirements of Title 13 and the provisions of this title regulating school elections, the provisions of this title shall govern. ~~The superintendent of public instruction may make any necessary rules to clarify Title 13 provisions for use in school elections.~~"

Section 356. Section 20-20-104, MCA, is amended to read:

"20-20-104. Forms and ~~rulemaking.~~ The superintendent of public instruction ~~shall prepare the form of application for absentee ballots and other forms necessary for school district elections and may make necessary rules to carry out the purpose of Title 13, Chapter 13, Part 2, as it pertains to school districts.~~ shall be the same as those prescribed by law or the secretary of state. ~~The superintendent of public instruction may issue prescribed forms for school elections with any necessary revisions of prescribed or statutory forms.~~"

Section 357. Section 20-20-106, MCA, is amended to read:

"20-20-106. Poll hours. (1) The polls for any school election in any district shall open not later than 1st noon.

The trustees may order the polls to open earlier, but no earlier than 8 a.m. ~~However, the polls shall open at 8 a.m. if~~

(2) ~~If the school election is held on the same day as the same polling places and with the same judges and clerks as a general, primary, county or city or special election for another political subdivision, the polls shall be opened and closed at the times required for that election.~~

~~(3)~~ (3) Once opened, the polls shall be kept open continuously until 8 p.m., except that whenever all the registered electors at any poll have voted, the poll shall be closed immediately."

Section 358. Section 20-20-201, MCA, is amended to read:

"20-20-201. Calling of school election. (1) At least 35 ~~40~~ days before any school election, the trustees of any district shall call such school election by resolution, stating the date and purpose of such election, and shall conduct it in accordance with the procedures required by law, when:

(a) an election must be held on the regular school election day;

(b) in their discretion, ~~such the~~ trustees order an election for a purpose authorized by law;

(c) the county superintendent orders an election in

accordance with the law authorizing such an order;

(d) the board of public education orders an election in accordance with the law authorizing such an order;

(e) the county commissioners order an election in accordance with the law authorizing such an order;

(f) the board of trustees of a community college district orders an election in accordance with the law authorizing such an order (in which case the community college district shall bear its share of the cost of such election); or

(g) a school election is required by law under any other circumstances.

(2) The resolution calling any school election shall be transmitted ~~immediately~~ to the county registrar ~~election administrator no later than 35 days before the election~~ in order to enable him to close the registration and prepare the lists of registered electors as required by school election laws."

Section 359. Section 20-20-203, MCA, is amended to read:

"20-20-203. Resolution for poll hours, polling places, ~~and judges, and ballot format.~~ (1) At the trustee meeting when a school election is called, the trustees shall:

(a) ~~except as provided in 20-20-106(2),~~ establish the time at which the polls are to open if, in their discretion,

they determine that the polls shall be open before 12 noon;

(b) establish the polling places for such election, ~~using the established polling places for general elections within the district wherever possible;~~

(c) appoint, from among the qualified electors of the district, ~~at least~~ three judges for each polling place for such election and notify each judge of such appointment not less than 10 days before the election;

~~(d) establish the format of the ballot for the election unless the ballot format is specified by the law which authorizes the election;~~

(2) There shall be one polling place in each district unless the trustees establish additional polling places. If more than one polling place is established, the trustees shall define the boundaries for each polling place, and such trustee-defined polling place boundaries shall be coterminous with county precinct boundaries existing within a district. If the site of a polling place is changed from the polling place site used for the last preceding school election, special reference to the changed site of the polling place shall be included in the notice for such election."

Section 360. 20-20-204, MCA, is amended to read:

"20-20-204. Election notice. (1) When the trustees of any district call a school election, they shall give notice

of the election not less than 20 days or more than 30 days before the day of the election by posting notices in three public places in the district, provided that in incorporated cities and towns at least one notice shall be posted at a public place in each ward or precinct. Whenever, in the judgment of the trustees, the best interest of the district will be served by the supplemental publication of the school election notice in a newspaper or by a radio or television broadcast, the trustees may cause such notification to be made.

(2) The notice of a school election, unless otherwise required by law, shall specify:

(a) the date and polling places of the election;

(b) the hours the polling places will be open;

(c) each proposition to be considered by the electorate; and

(d) if there are trustees to be elected, the number of positions subject to election and the length of term of each position; and

(e) where and how absentee ballots may be obtained.

(3) If more than one proposition is to be considered at the same school election, each proposition ~~shall~~ must be set apart and separately identified in the same notice or published in separate notices."

Section 361. Section 20-20-301, MCA, is amended to

read:

"20-20-301. Qualifications of elector. ~~{1}-Except as provided in subsections {2} and {3}, each person~~ An individual is entitled to vote at school elections if he has ~~all of the following~~ the qualifications set forth in 13-1-111 and is a resident of the school district.

~~{a}-He has registered to vote with the county registrar as a resident in the school district in which he resides and proposes to vote in the manner provided by the general state election laws except in regard to the closure of elector registration as provided in 20-20-311.~~

~~{b}-He is 18 years of age or older.~~

~~{c}-He has been a resident of Montana for at least 30 days.~~

~~{d}-He is a citizen of the United States.~~

~~{2}-No person convicted of a felony has the right to vote while he is serving a sentence in a penal institution.~~

~~{3}-No person adjudicated to be mentally incompetent has the right to vote unless he has been restored to capacity as provided by law."~~

Section 362. Section 20-20-312, MCA, is amended to read:

"20-20-312. Listing of registered electors. After closing registration, the county registrar election administrator shall prepare a list of registered electors

for each polling place established by the trustees. The list for each polling place shall be prepared in the format of a precinct register book."

Section 363. Section 20-20-313, MCA, is amended to read:

"20-20-313. Delivery and charge for lists of registered electors. Before the day of the election, the registrar election administrator shall deliver a certified copy of the lists of registered electors for each polling place to the district. The district shall deliver them to the election judges prior to the opening of the polls. A ~~charge of 3 cents per name shall be paid by the district to the county for preparing the lists of registered electors.~~ The district shall reimburse the county for the actual costs of preparing the lists of registered electors."

Section 364. Section 20-20-401, MCA, is amended to read:

"20-20-401. ~~General supervision and supplies~~ Trustees' election duties -- ballot certification. (1) The trustees are the general supervisors of school elections.

(2) Not less than 20 days before an election, the trustees shall certify the names of all candidates entitled to be on the ballot and the official wording for each ballot issue to the clerk of the district, who shall arrange for printing the ballots. Names of candidates on school election

ballots need not be rotated.

(3) ~~They~~ The trustees are authorized to and shall administer oaths to election judges.

(4) Before the opening of the polls, the trustees shall ~~cause the judges and each polling place to be supplied with the ballots and supplies necessary to conduct the election.~~

(1) ~~a sufficient number of ballots for each proposition election or trustee election to be conducted~~

(2) ~~at least six cards instructing electors in the process of how to vote~~

(3) ~~a list of electors prepared in the format of a precinct register book~~

(4) ~~a pollbook for the poll list~~

(5) ~~tally sheets~~

(6) ~~a sufficient number of booths, each provided with a door or a curtain to screen the voter from view and furnished adequately to enable the voter to prepare his ballot~~

(7) ~~ballot boxes or canvas pouches with a lock and key and~~

(8) ~~any other supplies necessary for the proper conduct of the election.~~"

Section 365. Section 20-20-411, MCA, is amended to read:

1 "20-20-411. Conduct of election. Election judges shall
2 conduct school elections in a manner that ensures a fair and
3 unbiased determination of the matters put before the
4 electorate and see that each elector has an adequate
5 opportunity to cast his vote. ~~to that end, election judges~~
6 ~~shall:~~

7 ~~(1) post at least one instruction card in each voting~~
8 ~~booth and not less than three such cards elsewhere about the~~
9 ~~polling place;~~

10 ~~(2) proclaim the opening and closing of the polls;~~

11 ~~(3) ensure that no more than one person occupies a~~
12 ~~voting booth at one time and that no person occupies a booth~~
13 ~~longer than is reasonably necessary;~~

14 ~~(4) enforce the rules against certain prohibited~~
15 ~~conduct as provided in 13-13-110;~~

16 ~~(5) aid a disabled elector in marking his ballot in~~
17 ~~the manner provided by 13-13-108; and~~

18 ~~(6) follow the remaining provisions of chapter 13,~~
19 ~~part IV and chapter 35 of title 13, regulating the conduct~~
20 ~~of elections, except that no deviation from those~~
21 ~~regulations shall vitiate the election so long as it can~~
22 ~~reasonably be concluded that neither the outcome of the~~
23 ~~election nor any individual elector was prejudiced by such~~
24 ~~deviations."~~

25 Section 366. Section 20-20-415, MCA, is amended to

1 read:

2 "20-20-415. Trustees to canvass votes. At the first
3 regular or special meeting of the trustees conducted after
4 the receipt of the certified tally sheets of any school
5 election from all the polls of the district, the trustees
6 shall canvass the vote. ~~Such canvass shall include a~~
7 ~~redetermination of the total votes cast for each person for~~
8 ~~trustee or the total votes cast "for" and "against" each~~
9 ~~proposition as shown on the tally sheet or sheets."~~

10 Section 367. Section 20-20-416, MCA, is amended to
11 read:

12 "20-20-416. Certificate of election. After the
13 redetermination canvass of the total votes cast, the
14 trustees shall issue a certificate of election. In the case
15 of a trustee election, the certificate shall be issued to
16 the elected trustee and the county superintendent
17 designating the term of the trustee position to which he has
18 been elected. In the case of an election on a proposition,
19 the trustees shall issue a certificate specifying the
20 outcome of the election. The certificate shall be issued to
21 ~~that the~~ official or public body which ordered the election
22 within 15 days after the election. When the election has
23 been ordered by resolution of the trustees, the canvassed
24 results shall be published immediately in a newspaper that
25 will give notice to the largest number of people of the

1 district."

2 Section 368. Section 20-20-421, MCA, is amended to
3 read:

4 "20-20-421. Voting machines and electronic voting
5 systems. Whenever voting machines or electronic voting
6 systems are available to a district, such voting devices may
7 be used for a school election. Any district that uses a
8 voting machine or an electronic voting system shall do so in
9 accordance with the provisions of chapters 17 or 18 of Title
10 13. In construing the provisions of those chapters, the
11 "county commissioners governing body" and the "registrar
12 election administrator" shall, for the purposes of this
13 section, be considered to refer to trustees, and "county"
14 shall be considered to refer to district."

15 Section 369. Section 76-15-303, MCA, is amended to
16 read:

17 "76-15-303. General election. (1) All qualified
18 electors within the district are eligible to vote in the
19 election.

20 (2) The three candidates who receive the largest
21 number, respectively, of the votes cast in the election are
22 the elected supervisors for the district.

23 (3) In the general election, the names of all persons
24 individuals nominated by petition (if six or fewer) or by
25 election shall be printed, arranged in a rotating order of

1 the surnames, as provided under 13-12-205, upon ballots,
2 with a square before each name and a direction to insert an
3 "X" mark in the square before any three names to indicate
4 the voter's elector's preference.

5 (4) The registrar election administrator in each
6 county shall prepare suitable nonpartisan ballots and
7 putting-lists or place the names of candidates on the
8 regular general election ballot in the same manner as other
9 nonpartisan candidates for the election of supervisors,
10 which ballots and ~~putting-lists~~ shall be delivered to the
11 election judges in those precincts which contain ~~eligible~~
12 voters registered electors prior to each general election
13 and each primary election in which more than four candidates
14 are nominated. The election judges, ~~and clerks,~~ and other
15 election officials in such precincts shall submit such
16 ballots to qualified electors, conduct the election, and
17 tabulate the results of such election in the manner provided
18 for--by-the-general-election-laws-of-the-state in Title 13."

19 Section 370. Section 85-7-1702, MCA, is amended to
20 read:

21 "85-7-1702. Regular election -- term of office. The
22 regular election for commissioners in each district shall be
23 held annually ~~on-the-first-Tuesday-in-April-of-each-year~~ in
24 accordance with 13-1-104, and within 40 days following their
25 election the commissioners shall meet and organize as a

board by electing a president from their number and a secretary, who may or may not be a commissioner, and who shall each hold office during the pleasure of the board. The term of office of each commissioner shall begin on the date of the organizational meeting after the regular election and shall continue for 3 years and until the election and qualification of his successor. Commissioners are elected by the electors of the entire district."

Section 371. Section 85-7-1710, MCA, is amended to read:

"85-7-1710. Qualification of electors and nature of voting rights. (1) At all elections held under the provisions of this part, except as otherwise expressly provided, the following holders of title or evidence of title to lands within the district, herein designated electors, are entitled to vote:

(a) all persons individuals having the qualifications of electors under the constitution and general and school laws of the state;

(b) guardians, executors, administrators, and trustees residing in the state;

(c) domestic corporations, by their duly authorized agents.

(2) In all elections held under this part, each elector is permitted to cast one vote for each 40 acres of

irrigable land or major fraction thereof owned by the elector within the district, irrespective of the location of the irrigable lands within the tracts designated by the commissioners for assessment and taxation purposes or within congressional subdivisions, platted lots or blocks (except as hereinafter provided for), election precincts, or district divisions, but any elector owning any less than 40 acres of irrigable land is entitled to one vote. Until the irrigable area under the proposed plan of reclamation is determined, all land included within the boundaries of the district shall be considered irrigable land for election purposes.

(3) Whenever land is owned by co-owners, the owners may designate one of their number or an agent to cast the vote for the owners, and one vote only for each 40 acres of irrigable land or major fraction thereof may be cast by the voting co-owner or agent. Whenever land is under contract of sale to a purchaser residing within the state, the purchaser may vote on behalf of the owner of the land. When voting, the agent of a corporation or co-owners, the co-owner designated for purpose of voting, or the purchaser of land under contract of sale, as the case may be, shall file with the secretary of the district or with the election officials a written instrument of his authority, executed and acknowledged by the proper officers of the corporation, by

1 the co-owners, or by the owner of land under contract of
 2 sale, as the case may be, and thereupon the agent or
 3 co-owner or purchaser, as the case may be, is an elector
 4 within the meaning of this part. Whenever the total
 5 irrigable acreage within any one district has been platted
 6 or subdivided into lots or blocks to the extent of 5% or
 7 more of the total acreage of the district, each elector is
 8 permitted to cast one vote for each acre of irrigable land
 9 or major fraction thereof owned by the elector within the
 10 district, irrespective of the location of such irrigable
 11 lands within the tracts designated by the commissioners for
 12 assessment and taxation purposes or within the congressional
 13 subdivisions, but any elector owning any less than 1 acre of
 14 irrigable land within the district is entitled to one vote.
 15 The balloting shall take place in the following manner: 10
 16 votes or less, separate ballots will be used; more than 10
 17 votes, the elector shall vote in blocks of 10 using one
 18 ballot for each 10 votes and separate ballots for odd votes
 19 over multiples of 10. The election shall otherwise conform
 20 with the provisions of ~~85-7-1707~~ Title 13. ~~The--chairman--of~~
 21 ~~the--commissioners--or--such-commissioner-as-he-may-delegate~~
 22 ~~shall-determine-before-each-election-whether-the--provisions~~
 23 ~~of--this--subsection--are-in-force-or-whether-the-provisions~~
 24 ~~heretofore-set-out-shall-apply."~~

25 Section 372. Section 85-7-1712, MCA, is amended to

1 read:

2 "85-7-1712. Special elections. The board of
 3 commissioners may at any time call a special election and
 4 submit to the qualified electors of the district any
 5 question which under the provisions of this chapter is
 6 required or which, in the judgment of the board, is proper
 7 to be submitted to popular vote. Such election shall be
 8 called, noticed, and conducted and the result thereof
 9 determined and declared in the manner provided in ~~this--part~~
 10 ~~relative--to--general-district-elections; provided, however,~~
 11 ~~that-the-notice--thereof-shall--in-addition-to-being--posted,~~
 12 ~~also-be-published-at-least-once, not-less-than-10-days-prior~~
 13 ~~to--the-date-of-the-election, in-some-newspaper-published-in~~
 14 ~~the-county-in-which-the-office-of-the-board-of-commissioners~~
 15 ~~of-the-district-is-located~~ Title 13."

16 Section 373. Section 85-9-206, MCA, is amended to
 17 read:

18 "85-9-206. Court hearing on petition -- election --
 19 limits on court jurisdiction. (1) Upon receipt of a petition
 20 for organizing a district, the court shall give notice and
 21 hold a hearing on the petition. If the court shall find that
 22 the prayer of the petition should be granted, it shall:

23 (a) make and file findings of fact specifying those
 24 lands that will be directly or indirectly benefited by the
 25 proposed district and exclude those lands which will not be

1 so benefited;

2 (b) make an order fixing the time and place of an
3 organizing election;

4 ~~(c) give notice of an election in the way provided in~~
5 ~~85-9-103(9)~~

6 ~~(d) provide for election judges and fix their~~
7 ~~compensation~~

8 ~~(e) fix the polling place or places as necessary~~

9 ~~(f)(c) order the county clerk election administrator~~
10 ~~to provide pollbooks, ballots, poll lists, and other~~
11 ~~necessary election supplies conduct the election in~~
12 ~~accordance with the provisions of Title 13;~~

13 ~~(g) provide for canvassing the results~~

14 ~~(h) declare the results~~

15 ~~(i)(d) order and decree the district organized if the~~
16 ~~requisite number of eligible electors vote in favor of~~
17 ~~organization.~~

18 (2) In order for the district to be organized, 51% or
19 more of the eligible electors must vote in the election, and
20 a majority of those voting must vote in favor of
21 organization.

22 (3) This chapter shall not confer upon the court
23 jurisdiction to hear, adjudicate, and settle questions
24 concerning the priority of appropriation of water between
25 districts and other persons. Jurisdiction to hear and

1 determine priority of appropriation and questions of right
2 growing out of or in any way connected with a priority of
3 appropriation is expressly excluded from this chapter and
4 shall be determined as otherwise provided by the laws of
5 Montana."

6 Section 374. Section 85-9-422, MCA, is amended to
7 read:

8 "85-9-422. Election procedures. The Election election
9 procedures after organization are the following: will
10 conform to the requirements of Title 13.

11 ~~(1) The directors shall designate the polling places~~
12 ~~at least one in each county, and hours when the polls will~~
13 ~~be open~~

14 ~~(2) Notice shall be published of the location of~~
15 ~~polling places and hours when the polls are open as provided~~
16 ~~in 85-9-103(9).~~

17 ~~(3) The directors shall appoint three judges for each~~
18 ~~polling place and fix their compensation~~

19 ~~(4) The judges shall appoint one of their number as~~
20 ~~clerk of the election~~

21 ~~(5) The clerk and recorders of the counties in which~~
22 ~~the election is to be held shall supply poll lists,~~
23 ~~registers, ballots, and other necessary election supplies~~

24 ~~(6) The judges shall cause the ballots to be counted~~
25 ~~and certify the results to the directors~~

~~{7}--The directors shall canvass the returns~~

~~{8}--The directors shall reimburse the counties for actual expenses incurred in the elections"~~

Section 375. Transition schedule. (1) Elected officials holding offices to be elected in odd-numbered years and holding office on the date this law becomes effective shall continue in office and in the performance of their duties until the next election as specified in 13-1-104 and subsection (2) or (3) of this section.

(2) Elections required by 13-1-104 for odd-numbered years shall be held beginning in 1981.

(3) Elections required by 13-1-104 for even-numbered years shall be held beginning in 1980.

(4) Notwithstanding any other provision of state law, all elected officers holding office on the date this law becomes effective shall hold their respective offices until new successors are elected and qualified.

Section 376. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 377. Codification. (1) Section 3, section 6, and sections 11 through 18 are intended to be codified as an

integral part of Title 13, chapter 1.

(2) Sections 25 and 30 are intended to be codified as an integral part of Title 13, chapter 2.

(3) Sections 53 and 62 are intended to be codified as an integral part of Title 13, chapter 4.

(4) Section 102 is intended to be codified as an integral part of Title 13, chapter 12.

(5) Sections 104 through 115, section 127, section 130, and section 133 are intended to be codified as an integral part of Title 13, chapter 13.

(6) Sections 139 through 149 are intended to be codified as an integral part of Title 13, chapter 14.

(7) Section 150 and sections 166 through 168 are intended to be codified as an integral part of Title 13, chapter 15.

(8) Section 181 through 184 and section 193 are intended to be codified as an integral part of Title 13, chapter 16.

(9) Section 200 is intended to be codified as an integral part of Title 13, chapter 17.

(10) Section 210 is intended to be codified as an integral part of Title 13, chapter 15.

(11) Sections 244 through 246 are intended to be codified as an integral part of Title 13, chapter 37.

(12) Sections 261 and 262 are intended to be codified

1 as an integral part of Title 13, chapter 38.

2 (13) If the sections in (1) through (12) are not
3 codified as instructed in this section, the code
4 commissioner shall add to the MCA, if necessary, statutory
5 language to convey the intent of this section.

6 Section 378. Repealer. Sections 7-2-4604, 7-2-4605,
7 7-3-4263, 7-3-4328 through 7-3-4333, 7-3-4342 through
8 7-3-4352, 7-5-301 through 7-5-303, 7-5-311, 7-5-2211 through
9 7-5-2222, 7-5-4211 through 7-5-4225, 7-5-4402 through
10 7-5-4409, 7-6-4433, 7-6-4435, 7-7-2230 through 7-7-2236,
11 7-7-4228 through 7-7-4234, 7-13-2223, 7-13-2224, 7-13-2248,
12 7-13-2250 through 7-13-2253, 7-13-2257, 7-13-2326, 13-1-105,
13 13-2-101, 13-2-111, 13-2-113, 13-2-121, 13-2-204, 13-2-303,
14 13-4-106, 13-4-204 through 13-4-206, 13-10-101, 13-10-206,
15 13-10-207, 13-10-210, 13-10-304, 13-10-312 through
16 13-10-321, 13-10-506, 13-10-603, 13-11-101 through
17 13-11-103, 13-12-103 through 13-12-105, 13-12-206,
18 13-12-211, 13-12-213, 13-13-102 through 13-13-110,
19 13-13-202, 13-13-237, 13-13-238, 13-13-240, 13-13-301,
20 13-13-303, 13-13-308, 13-14-101 through 13-14-104, 13-14-201
21 through 13-14-204, 13-14-206, 13-15-302, 13-17-201,
22 13-17-205, 13-17-207, 13-17-302 through 13-17-304,
23 13-17-307, 13-17-401 through 13-17-404, 13-18-101 through
24 13-18-106, 13-18-201 through 13-18-210, 13-35-212,
25 13-35-216, 13-35-219, 13-35-222 through 13-35-224,

1 13-35-229, 13-35-230, 13-35-232, 20-20-412 through
2 20-20-414, 85-7-1701, 85-7-1703 through 85-7-1709,
3 85-7-1711, 85-7-1713, and 85-9-423, MCA, are repealed.

-End-

STATE OF MONTANA

Request No. 67-79

FISCAL NOTE

Form BD-15

In compliance with a written request received January 24, 1979, there is hereby submitted a Fiscal Note for Senate Bill 65 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to generally revise the laws relating to elections.

ASSUMPTIONS:

1. The bill provides for additional operational activities in the Office of the Secretary of State. Those additional activities in the area of elections will be:
 1. Rulemaking
 2. Advisory Opinions
 3. Manual Preparation
 4. Conducting of Workshops

FISCAL IMPACT:

Expenditures Under Proposed Legislation

Personal Services	\$10,459	\$11,086
Operating Expenses	32,763	11,030
Capital Outlay	454	0
Total Expenditures Under Proposed Legislation	43,676	22,116
Less: Expenditures Under Current Law	0	0
Increased Expenditures Under Proposed Legislation	<u>\$43,676</u>	<u>\$22,116</u>

LOCAL IMPACT:

Based on information obtained from a survey conducted by county clerk and recorders, it appears that total county expenditures will increase approximately \$775,000 per biennium as a result of the proposed legislation.

LONG-RANGE EFFECTS:

It is not anticipated that an FTE will be needed during even numbered years subsequent to FY 1981, but will be needed during odd-numbered years due to concurrent legislative and election duties.

Richard L. Drayton
BUDGET DIRECTOR
Office of Budget and Program Planning
Date: 1/25/79

COMMITTEE ON JUDICIARY - SENATE

	<u>SENATE</u> BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CON- CURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CON- CURRED IN DATE
1.	SB-1	1/3/79	1/5/79	1/5/79			1/5/79			
2.	SB-4	1/4/79	1/8/79	1/8/79			1/8/79			
3.	SB-25	1/4/79	1/8/79	1/8/79			1/8/79			
4.	SB-27		Tabled	Tabled						
5.	SB-33	1/5/79	1/6/79	1/12/79			1/12/79			
6.	SB-37	1/4/79	1/9/79	Tabled 2/7/79						
7.	SB-41	1/5/79	1/6/79	1/11/79 1/6/79			1/11/79 1/6/79			
8.	SB-41	1/9/79	1/11/79	1/11/79			1/11/79			
9.	SB-51	1/5/79	1/10/79	1/12/79		1/12/79				
10.	SB-54	1/7/79	1/8/79	2/7/79			2/7/79			
11.	SB-56	1/5/79	1/10/79	1/12/79			1/12/79			
12.	SB-63	1/5/79	1/10/79	1/11/79	1/11/79					
13.	SB-65	1/4/79	1/22/79	2/6/79			2/11/79			
14.	SB-69	1/5/79		1/8/79						
15.	SB-78	1/9/79	1/15/79	1/15/79			1/15/79			
16.	SB-88	1/11/79	1/16/79	1/16/79			1/16/79			

HOUSE OF REPRESENTATIVES
JUDICIARY COMMITTEE
January 22, 1979

JOINT HEARING - SENATE BILL NO. 65:

The joint meeting was called to order by Vice-chairman Olson of the Senate Judiciary Committee at 10:03 a.m. in room 405 of the Capitol Building. Members of the House Committee present were Representatives Uhde, Keyser, Lory, Curtiss, Roth, Iverson, Keedy, Daily, Pavlovich and Chairman Scully.

SENATOR LENSINK: As chief sponsor of the bill, which is a bill to generally revise the election laws, gave an explanation and brief history of how this bill was put together. He explained that in the last 60 years there has been no significant revision in the Montana election law, that the bill is not perfect and that there will be some disagreement and some errors. He invited suggestions for improvement and whatever amendments that anyone had to offer.

Senator Lensink introduced Representative Eudaily, who went over the major revisions that were contained in this bill. The ones he specifically covered are checked on pages 12 to 16 in the red book on election laws prepared by the subcommittee on state legal services and election laws, in November, 1978.

He also stated that this bill will prohibit a candidate from using a personal bank account for campaign funding, establish an aggregate amount that a candidate can spend, eliminate the requirement for reports having to be notarized, and the big one - the consolidation of all elections to be held in November with the national, state offices, legislative, soil and water districts, etc. to be held in even years and county offices, city elections, special districts, to be held in odd years.

Vice-chairman Olson, at this point, turned the meeting over to House Judiciary Chairman Scully. He asked for any further proponents.

Margaret Davis, representing the League of Women Voters gave a statement in favor of this bill. She offered two small amendments on page 47, line 12, after the word "more" that the word "adjoining" be inserted and on page 65, line 9, after the word "ballot" strike the word "may" and insert the word "shall" and after "size" strike "and" and insert "or". Exhibit #1.

Chad Smith, representing the Montana School Board Association, said if this bill was including school elections, he would have some proposed amendments and gave a copy to the secretary. Exhibit #2.

MERRILL KLUNDT, chairman of the Montana Clerk and Recorders Legislative Committee, offered a statement in support of this bill, and offered a number of amendments that he would like to see in this bill. Exhibit #3.

JOHN BELL, representing the Montana Association of Clerks and Recorders, stated that he heartily endorsed this bill and he hoped that the committee would accept the amendments offered and pointed out that they have refrained from anything controversial. Exhibit #4.

EDITH COX, representing the Montana Association of County Treasurers supported the amendments.

R. DEAN ZINNECKER, from the Montana Association of Counties, gave a statement supporting the amendments offered by the clerks and recorders.

EDNA GUNDERSON, representing the Democratic Party gave a statement opposing elections in odd-numbered years.

DAN MIZNER, representing Montana League of Cities and Towns, stated that they support the bill.

BILL MERRICK, representing the Montana Broadcasters Association, gave a statement in support of the bill and offered written testimony to be included in the minutes.

BOB BIGGERSTAFF from the Montana Association of Conservation Districts, offered support for this bill.

JANELLE FALLAN, representing the Montana Chamber of Commerce, explained that they generally support this bill.

SENATOR LENSINK closed the hearing on this bill and said that he certainly appreciated the hard work that had gone into the preparation of this bill and for the support and testimony that everyone offered.

SENATOR O'HARA questioned as to how much expense was involved in having an election and Merrill Klundt explained that in Yellowstone County with 24 precincts the cost was \$92,000 in the last election alone. It was advised that there would be a fiscal note available at the end of the week.

DAN MIZNER requested that they provide a provision for some type of annual election as some cities have an annual election by charter.

SENATOR ANDERSON questioned if anyone had any figures to show if annual elections have increased voter turnout in any other states. Maggie Davis from the League of Women Voters, said they did not have any concise figures on this, but felt that it would have some positive effects.

There were no further questions concerning this bill and Senator Lensink closed the hearing.

There was no further business and the meeting adjourned at 11:07 a.m.

Following the hearing and adjournment, Representative Eudaily gave the secretary some other proposed amendments that they would like to have included in this bill which is shown on Exhibit #5. Also John Hanson, Commissioner of Campaign Finances and Practices offered an amendment, which he would like to have considered by the committee.

Chairman Lensink and Chairman Scully will appoint a subcommittee for this bill. Mr. Scully said he would hold all election bills and coordinate them with this bill in his committee.

Several of the House members had questions concerning duplicate registration, and proper registration so that your vote was in the right precinct, and also had some discussion about school bond issues. Representative Eudaily commented that they did not include school elections and issues in the bill.



John P. Scully, Chairman

Mary Ellen Connelly, Secretary

Minutes of meeting
SENATE JUDICIARY COMMITTEE
January 22, 1979

The eleventh meeting of the Senate Judiciary Committee was called to order by vice-chairman S. A. Olson at 10:03 a.m. in room 405. This meeting was a joint hearing with the House Judiciary Committee to consider the merits of Senate Bill 65, which is an act to generally revise the laws relating to elections.

ROLL CALL:

All members of the Senate Judiciary Committee were present with the exception of Senator Towe, who was excused.

CONSIDERATION OF SENATE BILL 65:

Senator Lensink, chief sponsor of the bill, gave an explanation and brief history of how this bill was put together. He explained that in the last sixty years, there has been no significant revision in the Montana election law, that the bill is not perfect and that there will be some disagreement and some errors. He invited suggestions for improvement and whatever amendments that any one had to offer.

Senator Lensink introduced Representative Eudaily, who went over the major revisions that were contained in this bill. The ones he specifically covered are checked on pages 12 to 16 in the red book on Election Laws prepared by the subcommittee on state legal services and election laws, November, 1978.

He also stated that this bill will prohibit a candidate from using a personal bank account for campaign funding, establish an aggregate amount that a candidate can spend, eliminate the requirement for reports having to be notarized, and the big one - the consolidation of all elections to be held in November with the national, state offices, legislators, soil and water districts, etc. to be held in even years and county offices, city elections, special districts, etc. to be held in odd years.

Vice-Chairman Olson, at this point, turned the meeting over to House Judiciary Chairman Scully. He asked for any further proponents.

Margaret Davis, representing the League of Women Voters gave a statement in favor of this bill. She offered two small amendments on page 47, line 12, after the word "more", that the word "adjoining" be inserted and on page 65, line 9, after the word "ballot". strike the word "may" and insert the word "shall" and after "size" strike "and" and insert "or". (See exhibit #1)

Chad Smith, representing the Montana School Board Association, said if this bill was including school elections, he would

have some proposed amendments and gave a copy to the secretary. (See Exhibit # 2)

Merrill Klundt, chairman of the Montana Clerk and Recorders Legislative Committee, offered a statement in support of this bill, and offered a number of amendments that he would like to see in this bill. (Exhibit # 3 & 4)

John Bell, representing the Montana Association of Clerks and Recorders, stated that he hardly endorsed this bill and he hoped that the committee would accept the amendments offered and pointed out that they have refrained from anything controversial.

Edith Cox, representing the Montana Association of County Treasurers supported the amendments.

R. Dean Zinnecker, from the Montana Association of Counties, gave a statement supporting the amendments offered by the clerks and recorders.

Edna Gunderson, representing the Democratic Party gave a statement opposing elections in odd-numbered years.

Dan Mizner, representing Montana League of Cities and Towns, stated that they supported the bill.

Bill Merrick, representing the Montana Broadcasters Association, gave a statement in support of the bill and offered written testimony to be included in the minutes.

Bob Biggerstaff from the Montana Association of Conservation Districts, offered support for this bill.

Janelle Fallan, representing the Montana Chamber of Commerce, explained that they generally support this bill.

Senator Lensink closed the hearing on this bill and said that he certainly appreciated the hard work that had gone into the preparation of this bill and for the support and testimony that everyone offered.

Senator O'Hara questioned as to how much expense was involved in having an election and Merrill Klundt explained that in Yellowstone County with 24 precincts the cost was \$92,000 in the last election alone. It was advised that there would be a fiscal note available at the end of the week.

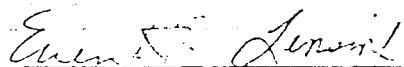
Dan Mizner requested that they provide a provision for some type of annual election as some cities have an annual election by charter.

Senator Anderson questioned if anyone had any figures to show if annual elections have increased voter turnout in any other states. Maggie Davis from the League of Women Voters, said they did not have any concise figures on this, but felt that it would have some positive effects.

There were no further questions concerning this bill and Senator Lensink closed the hearing.

There being no further business, the meeting was adjourned at 11:07 a.m.

After the hearing was over, Representative Eudaily gave the secretary some other proposed amendments that they would like to have included in this bill which is shown on Exhibit #5 with the star at the bottom of the page. Also John Hanson, Commissioner of Campaign Finances and Practices offered an amendment, which is shown as Exhibit #6 and which he would like to have considered by the committee.



EVERETT R. LENSINK, Chairman
Senate Judiciary Committee

Encl. Sub H 1

Amendments

League of Women Voters
of Montana
917 Harrison
Helena, Montana 59601

SB 65 - AN ACT TO GENERALLY REVISE THE LAWS RELATING TO ELECTIONS

Page 47, line 12 (13-3-104.2) after "more" insert adjoining

The League believes this would clarify the language in this section and prevent the possibility of creating precincts of non-contiguous wards or election districts. Such precincts would be both confusing and inconvenient for voters.

Page 65, line 9 (13-10-209.3) after "ballot" delete ~~may~~ and insert shall, after "size" delete ~~and~~ and insert or.

Ravalli Co. in 1978 encountered a problem when the party ballots were the same size and color as another ballot used during the June primary. A small but significant number of voters cast ballots for both political parties; the unrelated ballots being accepted by the judges as the unvoted party slates. A court challenge resulted and the county had to hold a special election in the fall. The League of Women Voters supports distinguishing the party primary ballots from other ballots offered at a primary election to insure accurate voting results and prevent expensive litigation and/or special elections where possible.

~~Page 123, line 10~~ NEW SECTION Expenses for recounts by petition and for tie votes.

Only in the case of tie votes, are recounts "automatic". The election laws as proposed are specific as to who pays the cost of a recount in a court ordered recount, but they do not address other types. Traditionally, county government has born the expense. The League believes it would be wise to clarify this matter within the election code.

Margaret S. Davis
Margaret S. Davis
League of Women Voters of Montana

Exhibit #

SENATE BILL NO. 65

MR. CHAIRMAN: I move to amend Senate Bill No. 65 as follows:

- (1) On page 134 in line 4 by adding the following words
before the period: "except with regard to school district
elections wherein the required envelopes or packages shall
be returned to the school district clerk"
- (2) On page 300, lines 6 through 24, by re-inserting the matter
indicated to be deleted.
- (3) On page 309 in line 21, by deleting the number "20" and
inserting in lieu thereof the figure "15".
- (4) On page 309 in line 22 by deleting the word "trustees" and
inserting in lieu thereof the word "clerk".

County of Yellowstone

MERRILL H. KLUNDT
Clerk & Recorder



BILLINGS, MONTANA
59101

Mr. Everett R. Lensink, Chairman of Senate Judiciary Committee,
and Mr. John P. Scully, Chairman of House Judiciary Committee:

SUBJECT: SENATE BILL #65

As Chairman of the Montana Clerk & Recorders Legislative Committee, who have worked the past year and a half with the Legislative Council, the Interim Committee and Sub-Committees, we feel that the proposed bill is generally good, and do support it, but with exceptions as follows:

1. That County officials be elected on the even numbered years instead of the odd numbered years as proposed in Sec. 13-1-104, Sub. Sec. 2 on page 9, line 12. We recommend that County officials be elected in the even numbered years under Sec. 13-1-104, Sub. Sec. 1 on page 9, line 5.

We are aware that the Interim Sub-Committee and Full Committee are in favor of the County officials being elected on the odd year, and their reason being that this will result in a larger voter turnout if conducted with municipal elections.

The Montana Clerk & Recorders Association submitted a Bill in 1971 and 1973 sessions to change the election of School Trustees from the 1st Saturday of April to the 1st Tuesday in April to coincide with the Municipal Elections, but the bills were defeated. It was resubmitted in the 1974 session and passed, and at present time are conducted at the same time as Municipal Elections, in order that we could consolidate elections and have a larger voter turnout. However, in Yellowstone County it did not have much effect. Normally the Levy Election is held at the same time, but in School District #2, in Billings proper, the Levy Election is delayed and voted upon about 3 weeks later to avoid a larger voter turnout on the Levy Elections. The voter turnout in recent years is declining in Yellowstone County. (See attached sheet.)

The Montana Association of County Clerks are opposed to the change from the even numbered years to the odd numbered years, due to the fact that the voter turnout is much lower. With a lower voter turnout, many good, qualified candidates can be defeated by special interest groups. If I'm turned out to grass by a majority of the voters voting, I can accept it, but not by a minority vote.

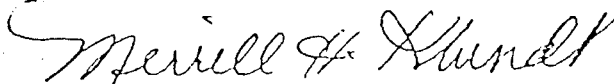
The Montana Elected County Officials group is also opposed to the above mentioned change. (See attached letter.) Another important fact is that there would have to be a county wide Primary and General Election held in all 56 counties, and this would increase the election costs considerably. The cost state wide would be in excess of \$500,000. In Yellowstone County, it would run approximately \$80,000, for the odd year elections.

2. Change the Primary Election date in the odd year, from the 2nd Tuesday after the second Monday in September to the 1st Tuesday after the 1st Monday in June. This is on page 8, line 21.

Note: Can be left in September if only Municipal Elections are held, or perhaps changed back to the 2nd Tuesday of February for the Primary Election, and the General Election to be held on the 1st Tuesday of April. Currently, there are only 14 days between the Primary and General Elections. (Sec. 47A-3-302 and Sec. 11-709) This is insufficient time, and especially when the County Elections Administrator will be conducting all City elections as stated in Sec. 13-1-104 & etc...

3. Sec. 7-5-132. Procedure to exercise right of Initiative or Referendum.
On line 10, page 258, strike 30 and substitute 60. Changing to 60 days would be uniform with the petition process for Bond Issues as now in Sec. 7-7-2228. This will give adequate time for the Election Administrator to check the petitions to determine if there are adequate signatures of electors on the petitions as to percentage requirement, if the issue will be voted upon and then meet the publication schedule for public notice to the electorate. At present time we have to publish notice before we know if the issue qualifies.

Yours truly,



MERRILL H. KLUNDT
Chairman of Montana
Clerk & Records Legislative
Committee on Elections

page 69 Jayce Alice ³³ ~~man~~
See 69 If you ~~man~~
Bring up clarification
of no ballot for minor
party in primary -
(make it apply to even year
only?)

Also - any changes you
want in Sec. 150 and
sequestered board/
(Insert) Having a Marshall
for the sequestered &
page 127

Exhibit # 4

~~James D. Smith~~

10-15-78

Alaskan state judge leaves primary election in chaos

ANCHORAGE, Alaska (UPI) — The Alaska general election on Nov. 7 seemed a shambles Saturday.

A state judge nullified the gubernatorial results of the Aug. 22 primary, and for the moment it was uncertain when, or if, a new primary can be held prior to the general election, just four weeks away.

Ballots were being printed, but without the names of Democratic and Republican candidates for governor. The primary winners by razor-thin margins were Gov. Jay Hammond, a Republican and former bush pilot, and Sen. Chaney Croft, a Democrat.

The ruling was issued Friday by Superior Court Judge John Moody of Anchorage and it directed the state to hold a new primary before Nov. 7. The details were left to election officials.

Some questions left unanswered were how absentee ballots could be scheduled and how ballots could be delivered to some of Alaska's tiny and extremely remote places. Former Gov. Walter Hickel, a rival to Gov. Hammond by a mere 93 votes in a recount, praised the decision to nullify the election.

Judge Moody said he found "action misconduct, mistakes and confusing pro-

Section 13-37-205, MCA, is amended to read as follows:

13-37-205. Campaign depositories. (1) Except as provided in 13-37-206, each candidate and each political committee shall designate one primary campaign depository for the purpose of depositing all contributions received and disbursing all expenditures made by the candidate or political committee. The candidate or political committee may also designate one secondary depository in each county in which an election is held and in which the candidate or committee participates. Deputy campaign treasurers may make deposits in and make expenditures from secondary depositories when authorized to do so as provided in 13-37-202(2). Only a bank authorized to transact business in Montana may be designated as a campaign depository. The candidate or political committee shall file the name and address of each primary and secondary depository so designated at the same time and with the same officer with whom the candidate or committee files the name of his or its campaign treasurer pursuant to 13-37-201. Nothing in this section shall prevent a political committee or candidate from having more than one campaign account in the same depository, but a candidate may not utilize his regular or personal account in the depository as a campaign account.

(2) No candidate shall use his campaign depository or funds deposited therein for any purpose other than the legitimate campaign expenses of his own candidacy; provided, however, that funds left over after all elections in a campaign may be used for any lawful purpose so long as their disposition is reported.



The Big Sky Country
COMMISSIONER OF
CAMPAIGN FINANCES AND PRACTICES

JOHN N. HANSON
COMMISSIONER
CAPITOL STATION
HELENA, MONTANA 59601
(406) 449-2942

Exhibit # 6

Amend Senate Bill No. 65, Section 244, page 202,
lines 16 and 17

Following: amount

Strike: remainder of lines 16 and 17

Insert: up to \$500 or three times the amount of
the unlawful contribution or expenditure,
whichever is greater

BOLKOVATZ AND ROMINE

ATTORNEYS AT LAW

W. H. BOLKOVATZ
W. L. ROMINE
JOHN F. BELL

320 EAST 6TH AVENUE
MAIL ADDRESS: P. O. BOX 1691
HELENA, MONTANA 59601

TELEPHONE 442-2220
AREA CODE 406

January 16, 1979

Dear Clerk & Recorder:

I propose to try to make the following amendments in committee hearing on Senate Bill 65:

Page 8, line 21, strike the word "September" and substitute the word "June".

On Page 9, line 5, strike the word "and" and after the word "court" add the words "and county officers".

Also on Page 9, line 12, strike the words "county and".

On Page 10, strike all of lines 4 through 7 and substitute the words "Polls must be open from 8 A.M. to 8 P.M. except polling places having fewer than 100 registered voters which must be open from ~~1 P.M.~~^{12 noon} to 8 P.M. or until".

On Page 12, strike all of lines 10 through 13.

The foregoing constitute the only amendments to SB 65 that I will attempt, and it is believed that such amending can be accomplished. Additionally, I will get a bill introduced, probably by Senator John Manley of Drummond, dealing with the rotation of candidates' names on ballots. He sponsored last session's SB 122 with Senator Frank Dunkle. The bill will be substantially the same this year.

H.B.5, dealing with bounties, has passed the House. It contains obsolete material as it is a recodification. The obsolete matter will be removed later.

The hearings Saturday on S.B. 22 and 14 before the Senate Taxation and Local Government Committees seemed to go very well, but we still need opposition letters to your senators as there will be a floor fight. The letters can be addressed to them at Capitol Station, Helena, MT 59601. Otherwise, we may very well have the big, new local government bill.

Your assistance will be appreciated.

Sincerely yours,

JOHN F. BELL

JFB:ask

1974PRIMARYJune 4, 1974

Reg. Voters	42,843	
Voted	15,441	36%

GENERALNovember 5, 1974

Reg. Voters	47,581	
Voted	29,091	61.14%

STUDY COMMISSIONER
SPECIAL ELECTIONNovember 5, 1974

Reg. Voters	34,785	
Voted	20,154	57.94%

1976PRIMARYJune 1, 1976

Reg. Voters	54,178	
Voted	24,208	44.6%

ALTERNATE FORM OF
GOVERNMENT ELECTIONSeptember 14, 1976

City Precincts

Reg. Voters	42,146	
Voted	14,756	35%

County Precincts

Reg. Voters	56,636	
Voted	19,709	34.8%

GENERALNovember 2, 1976

Reg. Voters	62,052	
Voted	44,763	72.14%

1977SPECIAL PRIMARYFebruary 8, 1977

Reg. Voters	45,580	
Voted	15,499	33.69%

SPECIAL GENERALApril 5, 1977

Reg. Voters	46,479	
Voted	22,902	49%

1978PRIMARYJune 6, 1978

Reg. Voters	50,725	
Voted	21,876	43%

GENERALNovember 7, 1978

Reg. Voters	55,399	
Voted	36,985	67%

1964PRIMARYJune 2, 1964

Reg. Voters	33,322	
Voted	23,260	69.8%

GENERALNovember 3, 1964

Reg. Voters	39,226	
Voted	34,401	87.7%

1966PRIMARYAugust 16, 1966

Reg. Voters	37,027	
Voted	16,427	44.36%

GENERALNovember 8, 1966

Reg. Voters	40,298	
Voted	30,696	76.17%

1968PRIMARYJune 4, 1968

Reg. Voters	35,317	
Voted	22,212	62.89%

GENERALNovember 5, 1968

Reg. Voters	40,523	
Voted	34,677	85.5%

1970PRIMARYJune 2, 1970

Reg. Voters	38,215	
Voted	17,316	45.31%

GENERALNovember 3, 1970

Reg. Voters	41,623	
Voted	30,600	73.51%

1972PRIMARYJune 6, 1972

Reg. Voters	41,375	
Voted	25,413	61.4%

GENERALNovember 7, 1972

Reg. Voters	50,735	
Voted	41,132	81.07%

County of Yellowstone

TREASURER



P. O. BOX 1235
BILLINGS, MONTANA
59103

January 16, 1979

Dear Committee Members:

As President of the Montana Elected County Officials Association, I am writing to express the views of the following members who make up this association.

1. Montana County Treasurers'
2. Montana County Clerk & Records'
3. Montana Clerks of District Court
4. Montana County Sheriff's
5. Montana Justices of the Peace
6. Montana County Attorneys'
7. Montana County Superintendents of School
8. Montana County Assessors
9. Montana County Surveyors
10. Montana County Auditors

We, the elected county officials of the State of Montana want to remain elected by the majority of the people as the law is now, in the even numbered years. We are against the current bill changing the elections to odd years - (S. B. 65).

We further state that the bill be amended to its former wording and remain elected.

We further look at the cost of conducting a primary and general election every year against every other year as it is now. This will increase election costs considerably in all counties through out the state.

We further realize that a special interest group could easily defeat a well qualified candidate with an odd year election when the voter turnout is small. Thus the majority are not voting.

Therefore, on behalf of our associations I must go on record opposing S. B. 65 on the above mentioned portion.

Sincerely yours,

MAY JENKINS, President
M.E.C.O.A.

9 With the change of county election to odd numbered years as is proposed, this will mean that we will have to have a Primary and General Election every year County wide. This will increase your election costs. The estimated increase is -----

<u>COUNTY</u>	<u>ESTIMATED INCREASE</u>
Beaverhead	\$14,000.00
Big Horn	\$20,000.00 or .37 mills
Blaine	
Broadwater	
Carbon	\$ 6,000.00
Carter	\$12,000.00
Cascade	(returned, but no estimate)
Chouteau	\$18,000.00 to \$20,000.00
Custer	\$20,000.00
Daniels	\$10,000.00
Dawson	\$15,000.00
Deer Lodge	
Fallon	\$ 8,000.00
Fergus	\$ 8,000.00
Flathead	Double full budget
Gallatin	\$45,000.00
Garfield	\$ 5,000.00
Glacier	\$ 7,000.00
Golden Valley	\$ 800.00 to \$1,000.00
Granite	
Hill	\$30,000.00 (each election)
Jefferson	\$8,000. to \$10,000.00
Judith Basin	\$17,500.00
Lake	\$30,000.00
Lewis & Clark	\$40,000.00
Liberty	\$ 4,000.00
Lincoln	

COUNTYESTIMATED INCREASE

Missoula	\$40,000.00 per election
Musselshell	double
Park	\$12,000.00 to \$16,000.00
Petroleum	
Phillips	\$15,000.00
Pondera	\$11,000.00 each election
Powder River	(100%) \$23,000.00
Powell	\$ 8,000.00
Prairie	\$ 2,400.00
Ravalli	
Richland	\$10,000.00
Roosevelt	
Rosebud	\$ 7,200.00
Sanders	\$12,000.00
Sheridan	\$10,000.00
Silver Bow	double cost
Stillwater	\$10,000.00
Sweet Grass	\$ 2,350.00 plus possible extra help
Teton	\$ 5,500.00 to \$6,000.00
Toole	double
Treasure	\$ 3,500.00
Valley	
Wheatland	\$ 7,000.00
Wibaux	
Yellowstone	\$80,000.00 both elections

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FRANK HAZELBAKER
VICE CHAIRMAN

CHET BLAYLOCK

PAT M. GOODOVER

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CODE COMMISSIONER

ELEANOR ECK
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Montana Legislative Council

State Capital

Helena, 59601

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SHAROLE CONNELLY
DIRECTOR, ACCOUNTING DIV.

1979 Legislature

SENATE Bill No. 65 - Summary

AN ACT TO GENERALLY REVISE THE LAWS RELATING TO ELECTIONS.

This summary does not include discussion of form or grammatical changes. Substantive changes are briefly summarized for each section in which they occur.

Section 1. 13-1-101. Deletions are obsolete or replaced by other definitions.

(2), (3), (7), (10) add definitions for purposes of campaign finance and practices statutes.

(5) defines term used to indicate local election official throughout this bill.

(6) new definition of term used to replace "voter."

(8) clarifies what elections are general elections.

(13) new definition to cover all types of local government.

(14) conforms to general election definition.

(17) clarifies what special election is.

(18) defines term used in existing law but not defined.

Section 2. 13-1-103. Applies provision to primary election also.

Section 3. New. Replaces 13-1-105 and provides primary date for odd year election.

Section 4. 13-1-104. Lists officers elected in even and odd year elections.

Section 5. 13-1-106. Uniform hours for all polling places.

Section 6. New. Requires published notice of special elections (Notice for regular elections repealed). Allows publication by radio or television or newspaper. This provision is included in all publication requirement sections of this bill.

Section 7. 13-1-112. No substantive change.

Section 8. 13-1-113. No substantive change.

Section 9. 13-1-114. Age of elector add to provision for computation of time period.

Section 10. 13-1-122. No substantive change.

Section 11. New. Names secretary of state as chief election officer and clarifies authority of secretary of state and commissioner of campaign finances and practices.

Section 12. New. General provision covering prescription of and use of forms and duties of secretary of state.

Section 13. New. Duties of secretary of state to assist local officials.

Section 14. New. Provides for county election administrator and general duties. Optional with local governing body whether officer is clerk and recorder, other official or appointee.

Section 15. New. Election records are public records.

Section 16. New. Costs of election - county governing body determines sharing of costs where necessary.

Section 17. New. Consolidates and replaces existing provisions for retention and destruction of election records.

Section 18. New. Provides what election records kept by secretary of state.

Section 19. 13-2-102. Sets deadline for submission of names by political parties and sets term of office.

Section 20. 13-2-112. Minor changes for consistency.

Section 21. 13-2-114. Adds provision to protect privacy of individuals' social security number.

Section 22. 13-2-115. Minor change for consistency.

Section 23. 13-2-116. No substantive change.

Section 24. 13-2-117. No substantive change.

Section 25. New. Replaces 13-2-116 (2) and expands provisions to cover all elections.

Section 26. 13-2-201. Allows election administrator to open office for voter registration evenings and weekends.

Section 27. 13-2-202. No substantive change.

Section 28. 13-2-203. Increases distribution of mail registration cards and requires timely return of cards.

Section 29. 13-2-205. No substantive change.

Section 30. New. Replaces 13-2-203 (5). Provides safeguard against fraudulent registrations.

Section 31. 13-2-212. No substantive change.

Section 32. 13-2-213. No substantive change.

Section 33. 13-2-214. No substantive change.

Section 34. 13-2-301. Close of registration uniform for all elections and changes time of publication of notice of close.

Section 35. 13-2-302. No substantive change.

Section 36. 13-2-401. Minor changes for consistency.

Section 37. 13-2-402. Allows cancellation in cases where authority is only implied in existing law.

Section 38. 13-2-403. Subsection (3) of 13-2-402 moved to this section and procedures clarified.

Section 39. 13-2-404. No substantive changes.

Section 40. 13-2-501. Requires elector to notify election administrator of change of residence or name and clarifies how notice given.

Section 41. New. Requires elector changing residence within county or who's name has changed to make correction in records before voting at first election at which he offers to vote after change.

Section 42. 13-2-502. Changes for consistency.

Section 43. New. Requires registration in new county of residence and clarifies when can vote absentee in former county of residence.

Section 44. 13-2-503. Amends procedures for notification of other jurisdictions of change of registration.

Section 45. 13-2-601. No substantive change.

Section 46. 13-2-603. Allows confirmation by telephone of erroneous omission of elector's name from precinct register.

Section 47. 13-3-101. No substantive change.

Section 48. 13-3-102. Changes time when precinct boundaries may be changed and provides for conforming boundaries of all types of election districts.

Section 49. 13-3-103. Requires written legal description of boundaries of precincts and election districts.

Section 50. 13-3-104. Broadens language to cover all types of election districts.

Section 51. 13-3-105. Sets time for designating polling places and provides for emergency changes.

Section 52. 13-4-101. Sets time for appointment of election judges; requires only a minimum number of judges in each precinct; designates all election workers as judges and provides for a chief judge.

Section 53. New. Replaces 13-4-102 (4) and specifies residence requirements.

Section 54. 13-4-102. Sets time for submission of names by political parties for appointment as election judges; allows all political parties participating in primary to submit lists; and allows election administrator to fill vacancies [replaces 13-4-103(2)].

Section 55. 13-4-103. Minor changes for consistency.

Section 56. 13-4-104. New material replaces wording in 13-4-203.

Section 57. 13-4-105. No substantive change.

Section 58. 13-4-106. Replaces all provisions relating to paying judges and allows paying mileage.

Section 59. 13-4-201. Deletes posting of notice of election in precincts; duties of chief election judge.

Section 60. 13-4-202. No substantive change.

Section 61. 13-4-203. Provides election administrator shall train election judges; allows individuals willing to be judges to attend training sessions; requires secretary of state to provide training materials and hold workshops for election administrators.

Section 62. New. Provides for emergency leave for election judges.

Section 63. 13-10-201. Sets beginning date for filing for office; changes deadline for filing from 40 to 50 days before primary election.

Section 64. 13-10-202. Raises salary limit for minimum filing fee to \$25.00 and minimum fee to \$15; deletes special provision for county commissioners; raises fee to \$10 for officials compensated by fees.

Section 65. 13-10-203. Minor changes for consistency.

Section 66. 13-10-204. Minor changes for consistency.

Section 67. 13-10-205. Minor changes for consistency.

Section 68. 13-10-208. Changes date for certification of ballot for consistency and makes primary and general election provisions uniform.

Section 69. 13-10-209. Specifies provisions for ballots applying to primary only and allows not printing ballot for minor parties in primary under certain circumstances.

Section 70. 13-10-301. General provision for uniformity with general election procedures and specific provisions applying to primary only.

Section 71. 13-10-302. Clarification

Section 72. 13-10-303. Clarification

Section 73. 13-10-305. Minor changes for consistency and clarification.

Section 74. 13-10-311. Rewritten for uniformity with general election procedures and specifying primary procedures.

Section 75. 13-10-325. Changes deadline for withdrawal of candidate; provides form of withdrawal; specifies filing fee not refunded.

Section 76. 13-10-326. Vacancy provisions rewritten solve administrative and time problems.

Section 77. 13-10-327. Vacancy provisions rewritten to solve administrative and time problems.

Section 78. 13-10-328. No substantive change.

Section 79. 13-10-401. No substantive change.

Section 80. 13-10-402. No substantive change.

Section 81. 13-10-403. Requires write in blank on ballot.
Section 82. 13-10-405. Clarifies filing fee not required.
Section 83. 13-10-501. Minor changes for consistency.
Section 84. 13-10-502. Minor changes for consistency.
Section 85. 13-10-503. Minor changes for consistency.
Section 86. 13-10-504. Minor changes for consistency.
Section 87. 13-10-505. Minor changes for consistency.

Section 88. 13-10-601. Percentage of vote requirement changed for consistency - vote for successful candidate is used as basis throughout bill for uniformity.

Section 89. 13-10-604. No substantive change.

Section 90. 13-12-101. No substantive change.

Section 91. 13-12-102. General revisions for consistency and to add flexibility.

Section 92. 13-12-201. Amendments add necessary language from repealed sections relating to ballot form and certification as well as changes for consistency and flexibility.

Section 93. 13-12-202. Amendments add necessary language from repealed sections relating to ballot form and certification as well as changes for consistency and flexibility.

Section 94. 13-12-203. Amendments add necessary language from repealed sections relating to ballot form and certification as well as changes for consistency and flexibility.

Section 95. 13-12-204. Minor changes for consistency.

Section 96. 13-12-205. Requires all candidates (major and minor parties and independents) be rotated in same manner; provides method of rotating when there are more candidates than precincts in jurisdiction; allows rotation by legislative district.

Section 97. 13-12-207. Adds offices not covered in existing law.

Section 98. 13-12-208. Deletes detail covered by amendments to sections 13-12-201 through 13-12-203.

Section 99. 13-12-209. Minor changes for consistency.

Section 100. 12-12-210. Minor changes for consistency.

Section 101. 13-12-212. No substantive changes.

Section 102. New. Replaces 13-10-210.

Section 103. 13-13-101. Specifies duties implied in existing law.

Section 104. New. Replaces all or parts of 13-13-102, 13-13-105, 13-17-301, 13-18-202 and 13-18-203; minor changes for consistency.

Section 105. New. Replaces all or parts of 13-13-102, 13-13-105, 13-17-301, 13-18-202 and 13-18-203; minor changes for consistency.

Section 106. New. Replaces all or parts of 13-13-102, 13-13-105, 13-17-301, 13-18-202 and 13-18-203; minor changes for consistency.

Section 107. New. Replaces 13-13-104; adds requirement that elector give correct name and address to election judge and complete forms to make necessary corrections before voting.

Section 108. New. Replaces part of 13-13-103 and clarifies procedure for precincts using machine or devices.

Section 109. New. Replaces part of 13-13-103; minor changes for consistency.

Section 110. New. Replaces 13-13-106 and 13-13-107; minor changes for consistency.

Section 111. New. Allows taking ballot to elector able to come to premises but unable to enter polling place.

Section 112. New. Replaces 13-13-108. Clarifies provisions to insure elector may be assisted by individual of his choice without presence.

Section 113. New. Replaces 13-13-109. No substantive change.

Section 114. New. Allows additional poll watchers.

Section 115. New. Replaces 13-13-110. No substantive change.

Section 116. 13-13-201. Allows election judge to vote absentee if necessary.

Section 117. 13-13-203. Minor changes for consistency.

Section 118. 13-13-211. No substantive change.

Section 119. 13-13-212. Allow application for absentee ballot by letter rather than special form.

Section 120. 13-13-213. No substantive change.

Section 121. 13-13-214. Requires stamping ballot before sending to absentee elector and adds provisions for primary ballots.

Section 122. 13-13-221. Minor changes for consistency.

Section 123. 13-13-222. Minor changes for consistency.

Section 124. 13-13-231. Minor changes for consistency.

Section 125. 13-13-232. Minor changes for consistency.

Section 126. 13-13-233. Minor changes for consistency.

Section 127. New. Replaces 13-13-202 and 13-13-240.

Section 128. 13-13-234. No substantive change.

Section 129. 13-13-235. Changes in procedure for handling absentee ballots to conform to section 127 and clarify procedures.

Section 130. New. Replaces deleted parts of 13-13-235; minor changes for consistency.

Section 131. 13-13-236. Changes needed for consistency.

Section 132. 13-13-301. Adds "residence" to grounds for challenge.

Section 133. New. Replaces 13-13-302; changes needed for consistency.

Section 134. 13-13-304. Minor changes for consistency.

Section 135. 13-13-306. Minor changes for consistency.

Section 136. 13-13-307. Minor changes for consistency.

Section 137. 13-13-309. Minor changes for consistency.

Section 138. 13-13-310. Minor changes for consistency.

Section 139 New. Nonpartisan election procedures; replace
through 13-14-102 through 13-14-104, 13-14-201
Section 146 . through 13-14-204 and 13-14-206;
revises replaced sections to cover
all nonpartisan elections.

Section 147. New. Replaces 13-14-101; no substantive change.

Section 148. New. Replaces 13-14-207 and 13-14-208.

Section 149. New. Covers justices of the peace (conforms to an Attorney General opinion) and any other future judicial office, if necessary.

Section 150. New. Allows counting board to begin count before polls close at option of election administrator.

Section 151. 13-15-101. Minor changes for consistency.

Section 152. 13-15-201. Deletes provision allowing reconciling poll book and number of ballots by destroying ballots; requires written record of any discrepancies.

Section 153. 13-15-202. Subsection (3) replaces part of 13-15-201 of existing law; no substantive changes.

Section 154. 13-15-204. No substantive changes.

Section 155. 13-15-205. Minor changes for consistency.

Section 156. 13-15-301. Deleted subsection (1) covered by section 17 of this bill; no substantive changes.

Section 157. 13-15-401. Changes needed for consistency.

Section 158. 13-15-402. Changes needed for consistency.

Section 159. 13-15-403. Requires canvass board to record all write-in votes.

Section 160. 13-15-404. Revises requirements for report of canvass to conform to section 18 of this bill.

Section 161. 13-15-405. Adds provisions needed for consistency.

Section 162. 13-15-406. Adds reference to provision of campaign finances and practices act; deletes (2) because covered in other statutes.

Section 163. 13-15-501. Minor changes for consistency.

Section 164. 13-15-502. Minor changes for consistency.

Section 165. 13-15-503. Minor changes for consistency.

Section 166. New. Provisions needed for consistency with other provisions of bill.

Section 167. New. Provisions needed for consistency with other provisions of bill.

Section 168. New. Provisions needed for consistency with other provisions of bill.

Section 169. 13-15-504. Minor changes for consistency.

Section 170. 13-16-101. Minor changes for consistency.

Section 171. 13-16-201. Covers additional cases of close votes.

Section 172. 13-16-203. Minor changes for consistency.

Section 173. 13-16-204. Minor changes for consistency.

Section 174. 13-16-301. Specifies application for recount made to district court in county in which candidate resides only.

Section 175. 13-16-303. Minor changes for consistency.

Section 176. 13-16-304. Minor changes for consistency.

Section 177. 13-16-305. Minor changes for consistency.

Section 178. 13-16-307. Deletes requirement for compensation of canvassing board and clerks since county officials and employees cannot be compensated in addition to wages and costs to county can be recovered as part of recount costs; adds provision for recount on ballot issue.

Section 179. 13-16-401. Allows news media and interested citizens to observe recount.

Section 180. 13-16-402. Minor changes for consistency; subsections (5), (6) and (7) moved to sections 183 and 184 of this bill.

Section 181. New. Provisions added for recounts of votes cast by voting machines or devices.

Section 182. New. Provisions added for recounts of votes cast by voting machines or devices.

Section 183. New. Subsections (5), (6) and (7) of 13-16-402; no substantive change.

Section 184. New. Subsections (5), (6) and (7) of 13-16-402; no substantive change.

Section 185. 13-16-403. Procedures for voting machines and devices added.

Section 186. 13-16-404.. No substantive change.

Section 187. 13-16-501. Subsection (1) is provision from 13-10-318; no substantive change.

Section 188. 13-16-502. No substantive change.

Section 189. 13-16-503. Require one of candidates tied to be appointed.

Section 190. 13-16-504. Require one of candidates tied to be appointed.

Section 191. 13-16-505. Require one of candidates tied to be appointed.

Section 192. 13-16-506. Require one of candidates tied to be appointed.

Section 193. New. Covers any political subdivisions not covered by proceeding sections.

Section 194. 13-17-101. Revisions to cover all types of
Section 195. 13-17-102. voting machines and devices - Chapter
Section 196. 13-17-103. 18 of existing law, covering
Section 197. 13-17-104. electronic voting devices, is
Section 198. 13-17-105. repealed.
Section 199. 13-17-106.

Section 200. New. Contains provisions from 13-18-105 and allows examination and use of new types of voting machines or devices without enacting enabling legislation.

Section 201. 13-17-201. Revisions needed to cover all
Section 202. 13-17-203. types of machines or devices and
Section 203. 13-17-204. changes needed for consistency.
Section 204. 13-17-206.
Section 205. 13-17-301.
Section 206. 13-17-305.
Section 207. 13-17-306.

Section 208. 13-25-101. Sets deadline for certification of presidential candidates for general election by political parties.

Section 209. 13-25-203. Provisions for time of holding election to fill vacancy in office of United States Representative.

Section 210. New. Provides for nominating candidates for election to fill vacancy in office of United States Senator or Representative.

Section 211. 13-26-109. Requires filing an official record of action of convention to ratify amendment to United States constitution with Montana Secretary of State.

Section 214. 13-27-402. Clarifies who writes argument for voter pamphlet.

Section 215. 13-35-106. Minor changes for consistency.

Section 216. 13-35-107. Broadens coverage.

Section 217. 13-35-202. No substantive change.

Section 218. 13-35-207. Deletes (3) for consistency with change to civil penalties.

Section 219. 13-35-211. Incorporates rule of commissioner of campaign finances and practices to more specifically define electioneering; other changes for consistency.

Section 220 13-35-215, 13-35-225, 13-35-226, 13-35-231,
through 13-36-101 through 13-36-103, 13-36-202,

Section 229. 13-36-205, and 13-36-207. Changes for consistency and to clarify procedures.

Section 230 13-37-111 through 13-37-114 and 13-37-117
through through 13-37-119. Clarifies authority

Section 236. of commissioner; other changes for consistency and clarify.

Section 237. 13-37-120. Deleted subsection (2) covered by 13-37-127.

Section 238 13-37-121, 13-37-123 through 13-37-127. No
through substantive change or minor changes for
Section 243. consistency.

Section 244. New. Change penalties from criminal to civil.

Section 245. New. Change penalties from criminal to civil.

Section 246. New. Change penalties from criminal to civil.

Section 247 13-37-201, 13-37-202, 13-37-205 13-37-206,
through 13-37-208 and 13-37-215. Incorporate rules

Section 252. of commissioner; minor changes for consistency and clarity.

Section 253. 13-37-216. Changes limits on contributions; broadens coverage to cover other offices.

Section 254. 13-37-217. Minor changes for consistency.

Section 255. 13-37-225. Minor changes for consistency.

Section 256. 13-37-226. Minor changes for consistency.

Section 257. 13-37-227. Allows commissioner to adopt rules relating to committees filing reports with federal election commission and out of state committees.

Section 258. 13-37-228. Broadens coverage to include political committees and clarifies provisions for carrying forward balances from one campaign to another.

Section 259. 13-37-229. Revises reporting requirements.

Section 260. 13-37-231. Incorporates rule of commissioner; minor changes for consistency.

Section 261. New. Require state and county central committees of political parties to file copy of rules with appropriate election official.

Section 262. New. Require state and county central committees of political parties to file copy of rules with appropriate election official.

Section 351 through Section 368. Amendments to Title 20, Education; requires general procedures in Title 13 be followed for school elections but leaves administration of school elections with school officials; other changes for consistency.

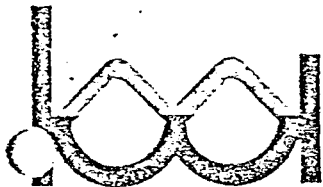
Section 369 through Section 374. Amendments to Title 76, Land Resources and Use, and Title 85, Water Use, for consistency with provisions of this bill.

Section 375. Transition schedule.

Section 376. Severability.

Section 377. Codification.

Section 378. Repealer.



montana broadcasters association

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TESTIMONY OF W.A. MERRICK LOBYIST MONTANA BROADCASTERS ASSOCIATION

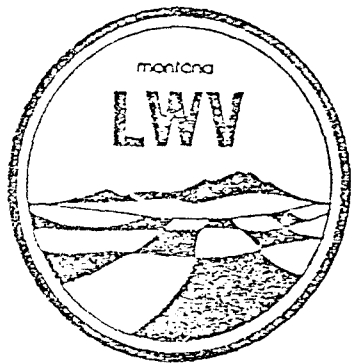
January 22, RE SB #65

SENATE COMMITTEE

Mr. Chairman, Members of the Committee:

My name is Bill Merrick and I represent the Montana Broadcasters Association. Our member Radio and Television Stations have been actively involved in the election process in the State of Montana in the capacity of news media, advertising organizations, and civic leaders. We feel that the work of the interim committee on State Legal Services and Election Laws was done with much thought and study. The bill before you is an improvement of our present laws and one that our member TV and radio stations support. The refining process of state law which you are considering in this bill, may not provide all the answers, but it is certainly a big step forward and we recommend the passage of SB #65

Thank You.



League of Women Voters of Mon
917 Harrison
Helena, Montana 59601
22 January 79

Senate Bill 65 - An act to generally revise the laws relating to elections.

The League of Women Voters of Montana supports the passage of SB 65. For over 50 years this organization has monitored and worked with elections and election officials. We have been and will continue to be active in voter registration and in encouraging citizens to understand and participate in the election process.

In our large, sparsely populated state with many elected officials and a growing number of ballot issues, the vote of each individual Montanan carries considerable influence. To maintain the citizen's faith in the democratic process, the quality of elections must be the highest state law can provide. SB 65 is a comprehensive and unified proposal aimed at insuring quality elections on all levels of government.

The present state of Montana's election laws leaves much to be desired. Confusing and conflicting statutes baffle laymen, candidates, and election officials alike. The report of the interim Committee on State Legal Services and Election Laws summarizes these deficiencies well.

In 1977 the League supported the interim study of election laws, and subsequently followed the committee's deliberations closely. The committee encouraged the participation of interested groups such as the clerks and recorders, and its recommendations as contained in SB 65 received exceptionally thorough scrutiny.

Specifically the League endorses the streamlining of election administration, the concept of an election administrator to handle all elections (except school), and the clarification of cancellation and challenge of registration procedures. We also favor the precinct as the "territorial unit of elections". This is particularly important in legislative and local contests. The League supports the rescheduling of elections to provide for a November general election every year. Voters will have a much better opportunity to focus on the positions of county and city candidates and on the merits of local ballot issues.

In summary, clear and precise election laws do not benefit only those directly involved, but they are fundamentally important for all Montanans.

Margaret S. Davis
Margaret S. Davis

SUBCOMMITTEE ON STATE LEGAL SERVICES AND ELECTION LAWS

ELECTION LAWS

November 1978

Published by

MONTANA LEGISLATIVE COUNCIL

State Capitol

Helena, Montana 59601

1. Title, line 15.
Strike: "13-4-106,"
2. Title, line 22.
Following: "THROUGH"
Strike: "13-14-204, 13-14-206"
Insert: "13-14-208"
3. Page 2, line 16.
Following: line 15
Insert: "declaration or"
Following: "nomination,"
Strike: "certificate of nomination, or"
4. Page 2, line 17.
Following: "nomination"
Insert: "or appointment as a candidate"
5. Page 8, line 20.
Following: "on the"
Strike: "second"
Following: "Tuesday"
Strike: "after"
Insert: "following"
6. Page 11, line 9.
Following: "of"
Strike: "a"
Insert: "an"
7. Page 16, line 10.
Following: "an"
Strike: "anual"
Insert: "annual"
8. Page 17, line 18.
Following: "plan."
Strike: remainder of lines 18
through 19 in their entirety
9. Page 23, line 25.
Following: "prepared"
Strike: ", "
10. Page 30, line 23.
Following: "determine"
Insert: "precinct of"
11. Page 32, line 12.
Following: "publish"
Insert: "or"

12. Page 33, line 7.
Following: line 6
Strike: "elections"
Insert: "election"
13. Page 34, line 9.
Following: "he"
Strike: "was"
Insert: "were"
14. Page 49, line 14.
Following: "in"
Strike: "[subsection (4) of section 54]"
Insert: "13-4-102(4)"
15. Page 65, line 24.
Following: "election"
The remainder of lines 24 through line 3 on page 25 were incorrectly printed. This is new material and should have been underlined. On line 24 "was" and in line 25 "be" should be deleted and should not have been printed in the bill.
16. Page 66, line 12.
Following: "the"
Strike: "sets"
Insert: "set"
17. Page 75, line 1.
Following: page 74
Strike: "elections"
Insert: "election"
18. Page 75, line 7
Following: line 6
Strike: line 7
Insert: "independent candidates or political parties not eligible to participate in primary"
19. Page 75, line 8.
Following: "election"
Strike: "ballot"
20. Page 82, line 6
Strike "prescribe form"
21. Page 82, line 7.
Strike: "and"

22. Page 82, line 8.
Strike: line 8 through
line 13 in their
entirety
Renumber: all subsequent subsections
23. Page 100, line 8..
Following: "section"
Strike: "114"
Insert: "112"
24. Page 100, line 22.
Strike: "["
25. Page 100, line 23.
Strike: "]"
26. Page 102, line 20.
Following: "obstruction,"
Strike: "and"
Insert: "or"
27. Page 106, line 14.
Following: "section"
Strike: "106"
Insert: "109"
28. Page 112, line 19.
Following: "judges--"
Strike: "pollbooks"
Insert: "pollbook"
29. Page 112, line 21.
Following: "note on the"
Strike: "pollbooks"
Insert: "pollbook"
30. Page 118, line 3.
Following: line 2
Strike: "13-2-512"
Insert: "[section 41"
Following: "and"
Strike: "13-2-514"
Insert: " 43]"
31. Page 118, line 11.
Following: "13-13-301"
Strike: "then"
Insert: "and the challenge has been determined
in favor of the individual challenged as
provided in 13-13-307,"

32. Page 122, line 12.
Following: line 11.
Strike: "["
Following: "14"
Strike: "]"
33. Page 122, line 17.
Following: "section"
Strike: "137"
Insert: "141"
34. Page 126, line 11.
Following: "each"
Insert: "vacancy for"
35. Page 126, line 12.
Following: "each"
Insert: "vacancy for"
36. Page 129, line 23.
Following: "the"
Strike: "pollbooks"
Insert: "pollbook"
37. Page 136, line 11.
Following: "13-15-402".
Strike: "Count"
Insert: "Canvass"
38. Page 137, line 10.
Strike: "for errors"
39. Page 140, line 13.
Following: "of"
Insert: "nomination or"
40. Page 142, line 17.
Following: "it shall"
Strike: "procede"
Insert: "proceed"
41. Page 143, line 23.
Following: "in"
Strike: "[section 160]"
Insert: 13-15-404
42. Page 152, line 13.
Strike: "referred or submitted"
43. Page 152, line 14.
Following: line 13
Strike: "question"
Insert: "ballot issue"

44. Page 155, line 20.
Following: "of the"
Strike: "ballot"
Insert: "polls"
45. Page 166, line 16.
Following: "of"
Strike: "["
Following: "17"
Strike: "]"
46. Page 166, line 22.
Following: "devices"
Strike: "and"
47. Page 166, line 23.
Strike: "their duties"
48. Page 176, line 21.
Following: "of"
Strike: "13-37-202"
Insert: "13-27-202"
49. Page 179, line 18.
Following: "in"
Strike: "13-13-108"
Insert: "[section 111"
Following: and
Strike: "13-17-303"
Insert: "112]"
50. Page 190, line 14.
Following: "of"
Insert: "nomination or"
51. Page 190, line 16.
Following: "of"
Insert: "nomination or"
52. Page 200, line 23.
Following: "candidate"
Strike: "shall"
Insert: "may"
53. Page 202, line 13.
Following: "of"
Strike: "["
Following: "37,"
Strike: "]"
54. Page 202, line 20.
Following: "or"
Strike: "["
Following: "37,"
Strike: "]"

55. Page 203, line 12.
Following: "under {"
Strike: "section "
Insert: "sections 244 and"
Following: "245"
Strike: "and section 246"
56. Page 203, line 16.
Following: "in {"
Strike: "section"
Insert: "sections 244 and"
Following: "245"
Strike: "and section"
57. Page 203, line 17.
Strike: "246"
58. Page 207, line 10.
Strike: "(4)"
59. Page 216, line 10.
Strike: "(5)"
60. Page 218, line 18.
Following: "at"
Strike: "such an event"
Insert: "fund raising events"
61. Page 218, line 24.
Following: line 23
Strike: "(6)"
Insert: "(7)"
62. Page 226, line 1.
Following: "the"
Strike: "the"
63. Page 259, line 15.
Following: "the"
Strike: "elections"
Insert: "election"
64. Page 262, line 20.
Following: [sections"
Strike: "137"
Insert: "139"
65. Page 262, line 21.
Following: "through"
Strike: "section 144"
Insert: "146"
66. Page 263, line 17.
Following: "administrator"
Insert: "--"

67. Page 268, line 19.
Following: "the"
Insert: "election"
68. Page 277, line 14.
Following: "far as"
Strike: "they are"
Insert: "it is"
69. Page 284, line 9.
Following: "the"
Insert: "election"
70. Page 284, line 11.
Following: "The"
Insert: "election"
71. Page 290, line 16.
Following: "section"
Strike: "139"
Insert: "141"
72. Page 292, line 17.
Following: "section"
Strike: "139"
Insert: "141"
73. Page 294, line 1.
Following: "7-7-2229"
Strike: "through 7-7-2231, 7-7-2233,
and 7-7-2234"
Insert: "and Title 13"
74. Page 322, line 2.
Following: "25"
Strike: "and"
Insert: ", "
Following: "30"
Insert: ", 41, and 43"
75. Page 323, line 14.
Strike: "13-4-106,"
76. Page 323, line 21.
Following: "through"
Strike: "13-14-204, 13-14-206"
Insert: "13-14-208"

Date 4/22/79

ROLL CALL

JUDICIARY COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
Lensink, Everett R., Chr. (R)	✓		
Olson, S. A., V. Chr. (R)	✓		
Turnage, Jean A. (R)	✓		
O'Hara, Jesse A. (R)	✓		
Anderson, Mike (R)	✓		
Galt, Jack E. (R)	✓		
Towe, Thomas E. (D)			✓
Brown, Steve (D)	✓		
Van Valkenburg, Fred (D)	✓		
Healy, John E. (Jack) (D)	✓		

Each Day Attach to Minutes.

SENATE

COMMITTEE

BILL SB 65

VISITORS' REGISTER

DATE 1/22/79

Please note bill no.

NAME	REPRESENTING	BILL #	(check one)	
			SUPPORT	OPPOSE
<i>Frank K. Wigner</i>	<i>Northrop of St</i>	<i>SB 65</i>	<i>X</i>	
<i>R. Allen - J. J. J. J.</i>	<i>Met. Union of Counties</i>	<i>SB 65</i>	<i>amend</i>	
<i>Leonard D. Bennett</i>	<i>MSBA</i>	<i>SB 65</i>	<i>X</i>	
<i>James D. J. J.</i>	<i>International Union</i>	<i>SB 65</i>	<i>X</i>	
<i>Margaret S. Davis</i>	<i>League of Women Voters</i>	<i>SB 65</i>	<i>X</i>	
<i>John N. Hanson</i>	<i>Campaign Finances & Practices</i>	<i>SB 65</i>	<i>X</i>	
<i>H. A. McFarland</i>	<i>Montana Fish & Game</i>	<i>SB 65</i>	<i>X</i>	
<i>W. H. Filler</i>	<i>Mont. Chamber of Commerce</i>	<i>SB 65</i>	<i>X</i>	
<i>David S. Johnson</i>	<i>Secretary of State's Office</i>	<i>SB 65</i>		
<i>Margaret J. Campbell</i>	<i>" " "</i>	<i>"</i>		
<i>Tom Ratter</i>	<i>Senate Clerk</i>	<i>SB 65</i>		
<i>James Woodard</i>	<i>Leg. Council</i>	<i>SB 65</i>		
<i>Paul J. J. J.</i>	<i>Sec of State</i>	<i>SB 65</i>		
<i>" " "</i>	<i>" " "</i>	<i>"</i>	<i>X</i>	
<i>" " "</i>	<i>" " "</i>	<i>"</i>	<i>X</i>	

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

COMMITTEE

BILL Shelton

VISITORS' REGISTER

DATE 11-22-19

Please note bill no

(check one)
SUPPORT | OP

NAME	REPRESENTING	BILL #	(check one) SUPPORT OP
McDette Kaelen	Charco High School		
Shila Roma	Charco High School		
Bill [unclear]	MT Assoc. Gen. Districts		
James D. Legitz	Butte Silver Bow Co. Rep.		
Merrill H. Shumell	Yellowstone Co. Clerk & Rec.		
Bernie J. Miller	Powell Co. - West Elk & Rec.	65	✓
Deleed Lavish	Lincoln Co. Clerk & Rec.	65	✓
John Bell	self	SB65	support - amend
John Bell	mt. Assoc. of CLK. & Recs.	65	amend
Edith [unclear]	17th St. [unclear]	65	X
Ann Henderson	Mont. All. [unclear] Teachers	SB65	amend

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

MINUTES OF MEETING
SENATE JUDICIARY COMMITTEE
January 29, 1979

The nineteenth meeting of the Senate Judiciary Committee was called to order in Room 331 of the Capitol Building on the above date by Senator Everett R. Lensink at 4:28 p.m.

ROLL CALL:

All members were present.

DISPOSITION OF SENATE BILL 204:

Senator Turnage moved that we amend this bill by striking the lines 19 through 23 and insert, "defendant convicted of the offense of deliberate homicide is presumed to be a danger to others and not entitled to be admitted to bail, which provision is rebuttable." The motion carried unanimously.

Senator Turnage moved that the bill do pass, as amended. The motion carried unanimously.

DISPOSITION OF SENATE BILL 205:

Senator Brown commented how this would apply for students in college taking someone out of a dormitory; it could be considered kidnapping. The judge would have to consider it as mandatory minimum sentence.

Senator Turnage said that you have to give the courts some flexibility. He said that if we had a mandatory sentence for every single offense, there would not be enough jails.

Senator Towe said that he was apprehensive about the broadening of this application.

Senator Lensink wondered if the reason for mandatory sentences is that the judges weren't doing a good job. Senator Van Valkenburg said that he thought the judges are reacting to public pressure and are doing a much better job of handing out sentences. He stated that the prisons are full and the county jails are 3/4 full. He did not feel that we should limit the discretion of fairly experienced people about who should go to prison and who should not.

Senator Turnage moved that on page 2, lines 10 and 11, the bill be amended to read, "unless a weapon was used in the commission of the offense" and also amend the title. The motion carried unanimously. He also moved to amend the title by striking "delete" and insert "to restrict the exceptions". The motion carried. Senator Turnage moved that the bill do pass, as amended. The motion carried unanimously.

DISPOSITION OF SENATE BILL 132:

Senator Brown moved that this bill cannot be amended to

raise the percent to 1/2 of 1 percent. He stated that this could be done on the election bill.

Senator Turnage wondered if the committee would be willing to amend SB 65 to this percentage. Senator Towe mentioned that the committee might not want to go to 1/4 of 1 percent in a statewide election. Senator Turnage said that it might be best to amend 1/2 of 1 percent at the district level.

Senator Turnage moved that the bill be tabled, with the idea we will operate on SB 65 on the percentages. The motion carried with Senator Towe and Senator Brown voting no.

DISPOSITION OF SENATE BILL 149:

The League of Women Voters offered some amendments to this bill. Senator Towe moved the amendments. The motion carried unanimously.

Senator Towe moved that the bill do pass, as amended. The motion passed unanimously.

DISPOSITION OF SENATE BILL 104:

Senator Brown stated that this bill must have a statement of intent. Senator Turnage moved the adoption of a statement of intent. The motion carried unanimously.

DISPOSITION OF SENATE BILL 152:

Senator Towe offered amendments to this bill. Senator Towe moved that these amendments be adopted. The motion carried unanimously.

Senator Towe moved that the bill do pass, as amended. The motion carried unanimously.

DISPOSITION OF SENATE BILL 164:

Joan Mayer from the Legislative Council offered some new amendments to this bill. Senator Brown moved adoption of the amendments. The motion carried unanimously. Senator Turnage moved that the bill do pass, as amended. The motion passed unanimously.

DISPOSITION OF HOUSE BILL 7:

Senator Towe moved on page 46, line 2, strike "of such payment" and insert, "the cause of action accrues". The motion carried unanimously. Senator Brown moved the bill do pass, as amended. The motion carried unanimously.

Date 1/22/79

ROLL CALL

JUDICIARY COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
Lensink, Everett R., Chr. (R)	✓		
Olson, S. A., V. Chr. (R)	✓		
Turnage, Jean A. (R)	✓		
O'Hara, Jesse A. (R)	✓		
Anderson, Mike (R)	✓		
Galt, Jack E. (R)	✓		
Towe, Thomas E. (D)	✓		
Brown, Steve (D)	✓		
Van Valkenburg, Fred (D)	✓		
Healy, John E. (Jack) (D)			

Each Day Attach to Minutes.

MINUTES OF MEETING
SENATE JUDICIARY COMMITTEE
February 1, 1979

The twenty-second meeting of the Senate Judiciary Committee was called to order by Senator Everett R. Lensink in room 331 of the Capitol Building on the above date at 9:34 a.m.

ROLL CALL:

All members were present.

RECONSIDERATION OF SENATE BILL 65:

Senator Lensink gave an explanation of how this bill, which is an act to generally revise the laws relating to elections, will be handled.

Joanne Woodgerd from the Legislative Council went over many sections of the bill. (See Exhibit A and note sections that are circled.) She stated that the most controversial part of this bill is the change to an election every year.

Senator Brown questioned if they have any cost figures and Mr. Merrill Klundt, chairman of the Montana Clerks and Records Legislative Committee, said that \$500,000 is fairly correct and that the figure of \$750,000 on the fiscal note is probably a little high and that if you figure in some local special districts, the extra cost will be reduced considerably.

Senator Anderson wondered about patients in Boulder voting. Joanne Woodgerd said that any voter can be challenged at the time of voting or before.

The question of recounts came up and Joanne Woodgerd said that she was not aware of any elections that were ever changed by a recount. She noted that in Ravalli County there had been a problem in that there were more ballots cast than there were people voting.

Senator Lensink asked Joan Woodgerd if she would comment on the 1/4 of 1 percent versus 1/2 of 1 percent being eligible for a recount and Ms. Woodgerd said that she did not think it would make any difference. She stated that the results are never very much off and the errors in counting are very minor. She said there may be one or two for a precinct and that they tend to compensate for the other ones. Senator Lensink asked her if in her experience she felt that 1/4 of 1 percent was enough and she replied that she did not know of anywhere that this was not enough.

Senator Towe questioned as to how much flexibility we are given in connection with voting machines and if it provides some control. Ms. Woodgerd referred him to page 163, section 196 and stated that it pretty much was kept to what is now current law.



In connection with the amendments that were offered, Ms. Woodgerd felt that if all the amendments were adopted, it would not ruin the bill and if none of the amendments were adopted, it would not ruin it either.

There was considerable discussion on voter turnout and city versus county elections. Ms. Woodgerd said that she did attend some meeting of the League of Cities and Towns and a few cities were concerned about the elections being held at the same time but there was no real objection.

Merrill commented that his concern was that in the off-year election, the turnout would be small and just not as large a group of people would be voting and he was afraid that special interest groups would be able to get voted in more easily.

Senator Galt moved that amendments 7 and 8 be adopted. After some discussion, the motion carried unanimously. Senator Towe voted no.

Senator Galt moved that amendment #6 be adopted and then withdrew his motion.

Senator Towe moved that amendments #1 through 5 be adopted. The motion carried unanimously.

Senator Brown moved adoption of amendment #9 and also insert "12 noon to 8:00 p.m." The motion carried unanimously.

Senator Towe moved that all amendments that were not highlighted be adopted. The motion carried unanimously.

Senator Brown suggested that Mr. Bell decide what he wanted done with amendment #11 and then we can come back to it.

Senator Towe moved the adoption of amendment #13. The motion carried unanimously.

Senator O'Hara moved the adoption of amendment #19. The motion carried unanimously.

Senator Galt moved that amendment #21 be adopted. The motion carried unanimously.

Senator Towe moved that amendment #22 be adopted. The motion carried unanimously.

Senator Brown moved that amendments #28, 29, and 30 be adopted. The motion carried unanimously.

Minutes - February 1, 1979
Senate Judiciary Committee
Page Three

Senator Brown moved the adoption of amendment #44. The motion carried unanimously.

There was some discussion on amendment #47 and it was decided that the committee would look at this later.

At 11:30 a.m., the meeting was adjourned.

Everett R. Lensink
SENATOR EVERETT R. LENSINK, Cha
Senate Judiciary Committee

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1979 Legislature

SENATE Bill No. 65 - Summary

AN ACT TO GENERALLY REVISE THE LAWS RELATING TO ELECTIONS.

This summary does not include discussion of form or grammatical changes. Substantive changes are briefly summarized for each section in which they occur.

Section 1. 13-1-101. Deletions are obsolete or replaced by other definitions.

(2), (3), (7), (10) add definitions for purposes of campaign finance and practices statutes.

(5) defines term used to indicate local election official throughout this bill.

(6) new definition of term used to replace "voter."

(8) clarifies what elections are general elections.

(13) new definition to cover all types of local government.

(14) conforms to general election definition.

(17) clarifies what special election is.

(18) defines term used in existing law but not defined.

Section 2. 13-1-103. Applies provision to primary election also.

Section 3. New. Replaces 13-1-105 and provides primary date for odd year election.

Section 4. 13-1-104. Lists officers elected in even and odd year elections.

Section 5. 13-1-106. Uniform hours for all polling places.

Section 6. New. Requires published notice of special elections (Notice for regular elections repealed). Allows publication by radio or television or newspaper. This provision is included in all publication requirement sections of this bill.

Section 7. 13-1-112. No substantive change.

Section 8. 13-1-113. No substantive change.

Section 9. 13-1-114. Age of elector add to provision for computation of time period.

Section 10. 13-1-122. No substantive change.

Section 11. New. Names secretary of state as chief election officer and clarifies authority of secretary of state and commissioner of campaign finances and practices.

Section 12. New. General provision covering prescription of and use of forms and duties of secretary of state.

Section 13. New. Duties of secretary of state to assist local officials.

Section 14. New. Provides for county election administrator and general duties. Optional with local governing body whether officer is clerk and recorder, other official or appointee.

Section 15. New. Election records are public records.

Section 16. New. Costs of election - county governing body determines sharing of costs where necessary.

Section 17. New. Consolidates and replaces existing provisions for retention and destruction of election records.

Section 18. New. Provides what election records kept by secretary of state.

Section 19. 13-2-102. Sets deadline for submission of names by political parties and sets term of office.

Section 20. 13-2-112. Minor changes for consistency.

Section 21. 13-2-114. Adds provision to protect privacy of individuals' social security number.

Section 22. 13-2-115. Minor change for consistency.

Section 23. 13-2-116. No substantive change.

Section 24. 13-2-117. No substantive change.

Section 25. New. Replaces 13-2-116 (2) and expands provisions to cover all elections.

Section 26. 13-2-201. Allows election administrator to open office for voter registration evenings and weekends.

Section 27. 13-2-202. No substantive change.

Section 28. 13-2-203. Increases distribution of mail registration cards and requires timely return of cards.

Section 29. 13-2-205. No substantive change.

Section 30. New. Replaces 13-2-203 (5). Provides safeguard against fraudulent registrations.

Section 31. 13-2-212. No substantive change.

Section 32. 13-2-213. No substantive change.

Section 33. 13-2-214. No substantive change.

Section 34. 13-2-301. Close of registration uniform for all elections and changes time of publication of notice of close.

Section 35. 13-2-302. No substantive change.

Section 36. 13-2-401. Minor changes for consistency.

Section 37. 13-2-402. Allows cancellation in cases where authority is only implied in existing law.

Section 38. 13-2-403. Subsection (3) of 13-2-402 moved to this section and procedures clarified.

Section 39. 13-2-404. No substantive changes.

Section 40. 13-2-501. Requires elector to notify election administrator of change of residence or name and clarifies how notice given.

Section 41. New. Requires elector changing residence within county or who's name has changed to make correction in records before voting at first election at which he offers to vote after change.

Section 42. 13-2-502. Changes for consistency.

Section 43. New. Requires registration in new county of residence and clarifies when can vote absentee in former county of residence.

Section 44. 13-2-503. Amends procedures for notification of other jurisdictions of change of registration.

Section 45. 13-2-601. No substantive change.

Section 46. 13-2-603. Allows confirmation by telephone of erroneous omission of elector's name from precinct register.

Section 47. 13-3-101. No substantive change.

Section 48. 13-3-102. Changes time when precinct boundaries may be changed and provides for conforming boundaries of all types of election districts.

Section 49. 13-3-103. Requires written legal description of boundaries of precincts and election districts.

Section 50. 13-3-104. Broadens language to cover all types of election districts.

Section 51. 13-3-105. Sets time for designating polling places and provides for emergency changes.

Section 52. 13-4-101. Sets time for appointment of election judges; requires only a minimum number of judges in each precinct; designates all election workers as judges and provides for a chief judge.

Section 53. New. Replaces 13-4-102 (4) and specifies residence requirements.

Section 54. 13-4-102. Sets time for submission of names by political parties for appointment as election judges; allows all political parties participating in primary to submit lists; and allows election administrator to fill vacancies [replaces 13-4-103(2)].

Section 55. 13-4-103. Minor changes for consistency.

Section 56. 13-4-104. New material replaces wording in 13-4-203.

Section 57. 13-4-105. No substantive change.

Section 58. 13-4-106. Replaces all provisions relating to paying judges and allows paying mileage.

Section 59. 13-4-201. Deletes posting of notice of election in precincts; duties of chief election judge.

Section 60. 13-4-202. No substantive change.

(Section 61. 13-4-203. Provides election administrator shall train election judges; allows individuals willing to be judges to attend training sessions; requires secretary of state to provide training materials and hold workshops for election administrators.

Section 62. New. Provides for emergency leave for election judges.

Section 63. 13-10-201. Sets beginning date for filing for office; changes deadline for filing from 40 to 50 days before primary election.

Section 64. 13-10-202. Raises salary limit for minimum filing fee to \$25.00 and minimum fee to \$15; deletes special provision for county commissioners; raises fee to \$10 for officials compensated by fees.

Section 65. 13-10-203. Minor changes for consistency.

Section 66. 13-10-204. Minor changes for consistency.

Section 67. 13-10-205. Minor changes for consistency.

Section 68. 13-10-208. Changes date for certification of ballot for consistency and makes primary and general election provisions uniform.

Section 69. 13-10-209. Specifies provisions for ballots applying to primary only and allows not printing ballot for minor parties in primary under certain circumstances.

Section 70. 13-10-301. General provision for uniformity with general election procedures and specific provisions applying to primary only.

Section 71. 13-10-302. Clarification

Section 72. 13-10-303. Clarification

Section 73. 13-10-305. Minor changes for consistency and clarification.

Section 74. 13-10-311. Rewritten for uniformity with general election procedures and specifying primary procedures.

Section 75. 13-10-325. Changes deadline for withdrawal of candidate; provides form of withdrawal; specifies filing fee not refunded.

Section 76. 13-10-326. Vacancy provisions rewritten solve administrative and time problems.

Section 77. 13-10-327. Vacancy provisions rewritten to solve administrative and time problems.

Section 78. 13-10-328. No substantive change.

Section 79. 13-10-401. No substantive change.

Section 80. 13-10-402. No substantive change.

Section 81. 13-10-403. Requires write in blank on ballot.

Section 82. 13-10-405. Clarifies filing fee not required.

Section 83. 13-10-501. Minor changes for consistency.

Section 84. 13-10-502. Minor changes for consistency.

Section 85. 13-10-503. Minor changes for consistency.

Section 86. 13-10-504. Minor changes for consistency.

Section 87. 13-10-505. Minor changes for consistency.

Section 88. 13-10-601. Percentage of vote requirement changed for consistency - vote for successful candidate is used as basis throughout bill for uniformity.

Section 89. 13-10-604. No substantive change.

Section 90. 13-12-101. No substantive change.

Section 91. 13-12-102. General revisions for consistency and to add flexibility.

Section 92. 13-12-201. Amendments add necessary language from repealed sections relating to ballot form and certification as well as changes for consistency and flexibility.

Section 93. 13-12-202. Amendments add necessary language from repealed sections relating to ballot form and certification as well as changes for consistency and flexibility.

Section 94. 13-12-203. Amendments add necessary language from repealed sections relating to ballot form and certification as well as changes for consistency and flexibility.

Section 95. 13-12-204. Minor changes for consistency.

Section 96. 13-12-205. Requires all candidates (major and minor parties and independents) be rotated in same manner; provides method of rotating when there are more candidates than precincts in jurisdiction; allows rotation by legislative district.

Section 97. 13-12-207. Adds offices not covered in existing law.

Section 98. 13-12-208. Deletes detail covered by amendments to sections 13-12-201 through 13-12-203.

Section 99. 13-12-209. Minor changes for consistency.

Section 100. 12-12-210. Minor changes for consistency.

Section 101. 13-12-212. No substantive changes.

Section 102. New. Replaces 13-10-210.

Section 103. 13-13-101. Specifies duties implied in existing law.

Section 104. New. Replaces all or parts of 13-13-102, 13-13-105, 13-17-301, 13-18-202 and 13-18-203; minor changes for consistency.

Section 105. New. Replaces all or parts of 13-13-102, 13-13-105, 13-17-301, 13-18-202 and 13-18-203; minor changes for consistency.

Section 106. New. Replaces all or parts of 13-13-102, 13-13-105, 13-17-301, 13-18-202 and 13-18-203; minor changes for consistency.

Section 107. New. Replaces 13-13-104; adds requirement that elector give correct name and address to election judge and complete forms to make necessary corrections before voting.

Section 108. New. Replaces part of 13-13-103 and clarifies procedure for precincts using machine or devices.

Section 109. New. Replaces part of 13-13-103; minor changes for consistency.

Section 110. New. Replaces 13-13-106 and 13-13-107; minor changes for consistency.

Section 111. New. Allows taking ballot to elector able to ~~come~~ to premises but unable to enter polling place.

Section 112. New. Replaces 13-13-108. Clarifies provisions to insure elector may be assisted by individual of his choice without presence.

Section 113. New. Replaces 13-13-109. No substantive change.

Section 114. New. Allows additional poll watchers.

Section 115. New. Replaces 13-13-110. No substantive change.

Section 116. 13-13-201. Allows election judge to vote absentee if necessary.

Section 117. 13-13-203. Minor changes for consistency.

Section 118. 13-13-211. No substantive change.

Section 119. 13-13-212. Allow application for absentee ballot by letter rather than special form.

Section 120. 13-13-213. No substantive change.

Section 121. 13-13-214. Requires stamping ballot before sending to absentee elector and adds provisions for prima facie ballots.

Section 122. 13-13-221. Minor changes for consistency.

Section 123. 13-13-222. Minor changes for consistency.

Section 124. 13-13-231. Minor changes for consistency.

Section 125. 13-13-232. Minor changes for consistency.

Section 126. 13-13-233. Minor changes for consistency.

Section 127. New. Replaces 13-13-202 and 13-13-240.

Section 128. 13-13-234. No substantive change.

Section 129. 13-13-235. Changes in procedure for handling absentee ballots to conform to section 127 and clarify provisions.

Section 130. New. Replaces deleted parts of 13-13-202 and 13-13-240; minor changes for consistency.

Section 131. 13-13-236. Changes needed for consistency.

Section 132. 13-13-301. Adds "residence" to grounds for challenge.

Section 133. New. Replaces 13-13-302; changes needed for consistency.

Section 134. 13-13-304. Minor changes for consistency.

Section 135. 13-13-306. Minor changes for consistency.

Section 136. 13-13-307. Minor changes for consistency.

Section 137. 13-13-309. Minor changes for consistency.

Section 138. 13-13-310. Minor changes for consistency.

Section 139 through Section 146. New. Nonpartisan election procedures; 13-14-102 through 13-14-104, 13-14-106 through 13-14-204 and 13-14-206; revises replaced sections to cover all nonpartisan elections.

Section 147. New. Replaces 13-14-101; no substantive change.

Section 148. New. Replaces 13-14-207 and 13-14-208.

Section 149. New. Covers justices of the peace (conforms to an Attorney General opinion) and any other future judicial office, if necessary.

Section 150. New. Allows counting board to begin count before polls close at option of election administrator.

Section 151. 13-15-101. Minor changes for consistency.

Section 152. 13-15-201. Deletes provision allowing reconciling poll book and number of ballots by destroying ballots; requires written record of any discrepancies.

Section 153. 13-15-202. Subsection (3) replaces part of 13-15-201 of existing law; no substantive changes.

Section 154. 13-15-204. No substantive changes.

Section 155. 13-15-205. Minor changes for consistency.

Section 156. 13-15-301. Deleted subsection (1) covered by section 17 of this bill; no substantive changes.

Section 157. 13-15-401. Changes needed for consistency.

Section 158. 13-15-402. Changes needed for consistency.

Section 159. 13-15-403. Requires canvass board to record all write-in votes.

Section 160. 13-15-404. Revises requirements for report of canvass to conform to section 18 of this bill.

Section 161. 13-15-405. Adds provisions needed for consistency.

Section 162. 13-15-406. Adds reference to provision of campaign finances and practices act; deletes (2) because covered in other statutes.

Section 163. 13-15-501. Minor changes for consistency.

Section 164. 13-15-502. Minor changes for consistency.

Section 165. 13-15-503. Minor changes for consistency.

Section 166. New. Provisions needed for consistency with other provisions of bill.

Section 167. New. Provisions needed for consistency with other provisions of bill.

Section 168. New. Provisions needed for consistency with other provisions of bill.

Section 169. 13-15-504. Minor changes for consistency.

Section 170. 13-16-101. Minor changes for consistency.

Section 171. 13-16-201. Covers additional cases of close votes.

Section 172. 13-16-203. Minor changes for consistency.

Section 173. 13-16-204. Minor changes for consistency.

Section 174. 13-16-301. Specifies application for recount made to district court in county in which candidate resides only.

Section 175. 13-16-303. Minor changes for consistency.

Section 176. 13-16-304. Minor changes for consistency.

Section 177. 13-16-305. Minor changes for consistency.

(Section 178.) 13-16-307. Deletes requirement for compensation of canvassing board and clerks since county officials and employees cannot be compensated in addition to wages and costs to county can be recovered as part of recount costs; adds provision for recount on ballot issue.

Section 179. 13-16-401. Allows news media and interested citizens to observe recount.

Section 180. 13-16-402. Minor changes for consistency; subsections (5), (6) and (7) moved to sections 183 and 184 of this bill.

(Section 181.) New. Provisions added for recounts of votes cast by voting machines or devices.

Section 182. New. Provisions added for recounts of votes cast by voting machines or devices.

Section 183. New. Subsections (5), (6) and (7) of 13-16-402; no substantive change.

Section 184. New. Subsections (5), (6) and (7) of 13-16-402; no substantive change.

Section 185. 13-16-403. Procedures for voting machines and devices added.

Section 186. 13-16-404. No substantive change.

Section 187. 13-16-501. Subsection (1) is provision from 13-10-318; no substantive change.

Section 188. 13-16-502. No substantive change.

Section 189. 13-16-503. Require one of candidates tied to be appointed.

Section 190. 13-16-504. Require one of candidates tied to be appointed.

Section 191. 13-16-505. Require one of candidates tied to be appointed.

Section 192. 13-16-506. Require one of candidates tied to be appointed.

Section 193. New. Covers any political subdivisions not covered by proceeding sections.

Section 194. 13-17-101. Revisions to cover all types of
Section 195. 13-17-102. voting machines and devices - Chapter
Section 196. 13-17-103. 18 of existing law, covering
Section 197. 13-17-104. electronic voting devices, is
Section 198. 13-17-105. repealed.
Section 199. 13-17-106.

Section 200. New. Contains provisions from 13-18-105 and allows examination and use of new types of voting machines or devices without enacting enabling legislation.

Section 201. 13-17-201. Revisions needed to cover all
Section 202. 13-17-203. types of machines or devices and
Section 203. 13-17-204. changes needed for consistency.
Section 204. 13-17-206.
Section 205. 13-17-301.
Section 206. 13-17-305.
Section 207. 13-17-306.

Section 208. 13-25-101. Sets deadline for certification of presidential candidates for general election by political parties.

Section 209. 13-25-203. Provisions for time of holding election to fill vacancy in office of United States Representative.

Section 210. New. Provides for nominating candidates for election to fill vacancy in office of United States Senator or Representative.

Section 211. 13-26-109. Requires filing an official record of action of convention to ratify amendment to United States constitution with Montana Secretary of State.

Section 214. 13-27-402. Clarifies who writes argument for voter pamphlet.

Section 215. 13-35-106. Minor changes for consistency.

Section 216. 13-35-107. Broadens coverage.

Section 217. 13-35-202. No substantive change.

Section 218. 13-35-207. Deletes (3) for consistency with change to civil penalties.

Section 219. 13-35-211. Incorporates rule of commissioner of campaign finances and practices to more specifically define electioneering; other changes for consistency.

Section 220 13-35-215, 13-35-225, 13-35-226, 13-35-231,
through 13-36-101 through 13-36-103, 13-36-202,
Section 229. 13-36-205, and 13-36-207. Changes for consistency and to clarify procedures.

Section 230 13-37-111 through 13-37-114 and 13-37-117
through 13-37-119. Clarifies authority
Section 236. of commissioner; other changes for consistency and clarify.

Section 237. 13-37-120. Deleted subsection (2) covered by 13-37-127.

Section 238 13-37-121, 13-37-123 through 13-37-127. No
through substantive change or minor changes for
Section 243. consistency.

Section 244. New. Change penalties from criminal to civil.

Section 245. New. Change penalties from criminal to civil.

Section 246. New. Change penalties from criminal to civil.

Section 247 13-37-201, 13-37-202, 13-37-205 13-37-206,
through 13-37-208 and 13-37-215. Incorporate rules
Section 252. of commissioner; minor changes for consistency and clarity.

Section 253. 13-37-216. Changes limits on contributions; broadens coverage to cover other offices.

Section 254. 13-37-217. Minor changes for consistency.

Section 255. 13-37-225. Minor changes for consistency.

Section 256. 13-37-226. Minor changes for consistency.

Section 257. 13-37-227. Allows commissioner to adopt rules relating to committees filing reports with federal election commission and out of state committees.

Section 258. 13-37-228. Broadens coverage to include political committees and clarifies provisions for carrying forward balances from one campaign to another.

Section 259. 13-37-229. Revises reporting requirements.

Section 260. 13-37-231. Incorporates rule of commissioner; minor changes for consistency.

(Section 261. New. Require state and county central committees of political parties to file copy of rules with appropriate election official.

Section 262. New. Require state and county central committees of political parties to file copy of rules with appropriate election official.

(Section 351 through Section 368. Amendments to Title 20, Education; requires general procedures in Title 13 be followed for school elections but leaves administration of school elections with school officials; other changes for consistency.

Section 369 through Section 374. Amendments to Title 76, Land Resources and Use, and Title 85, Water Use, for consistency with provisions of this bill.

(Section 375. Transition schedule.

Section 376. Severability.

Section 377. Codification.

Section 378. Repealer.

SUGGESTED AMENDMENTS TO SB 65
(SENATORS LENSINK AND REGAN)

COMPLETE LIST OF AMENDMENTS FROM STAFF AND
THOSE OFFERED AT HEARING, 1-1-79.

1. Title, line 15. (Staff)
Strike: "13-4-106, "
2. Title, line 22. (Staff)
Following: "THROUGH"
Strike: "13-14-204, 13-14-206"
Insert: "13-14-208"
3. Page 2, line 16. (Staff)
Following: line 15
Insert: "declaration or"
Following: "nomination,"
Strike: "certificate of nomination, or"
4. Page 2, line 17. (Staff)
Following: "nomination"
Insert: "or appointment as a candidate"
5. Page 8, line 20. (Staff)
Following: "on the"
Strike: "second"
Following: "Tuesday"
Strike: "after"
Insert: "following"
6. Page 8, line 21. (Bell and Klundt - Mt. Clerk & Recorders)
Following: Line 20
Strike: "September"
Insert: "June"
7. Page 9, line 5. (Bell and Klundt - Clerk & Recorders Assn)
Following: "legislature,"
Strike: "and"
Following: "court"
Insert: "and county officers"
8. Page 9, line 12. (Bell and Klundt - Clerk & Recorders Assn)
Following: "elect"
Strike: "county and"
9. Page 10, line 4. (Bell and Klundt - Clerk & Recorders Assn)
Following: line 3
Strike: lines 4 through 7 in their entirety.
Insert: "Polls must be open from 8 a.m. to 8 p.m. except
polling places having fewer than 100 registered voters
which must be open from 1 p.m. to 8 p.m. or until"

Note: School election poll hours are 12 noon to 8 p.m.
The Committee might want to consider the same hours
if this amendment is adopted. (Staff)

10. Page 11, line 9. (Staff)

Following: "of"

Strike: "a"

Insert: "an"

11. Page 12, line 10. (Bell - Clerk & Recorder's Association)

Following: Line 9

Strike: lines 10 through 13 in their entirety.

12. Page 16, line 10. (Staff)

Following: "an"

Strike: "anual"

Insert: "annual"

13. Page 17, line 18. (Staff)

Following: "plan."

Strike: remainder of lines 18
through 19 in their entirety.

14. Page 23, line 25. (Staff)

Following: "prepared"

Strike: ", "

15. Page 30, line 23. (Staff)

Following: "determine"

Insert: "precinct of"

16. Page 32, line 12. (Staff)

Following: "publish"

Insert: "or"

17. Page 23, line 7. (Staff)

Following: line 6

Strike: "elections"

Insert: "election"

18. Page 34, line 9. (Staff)

Following: "he"

Strike: "was"

Insert: "were"

19. Page 47, line 12. (Davis - League of Women Voters)

Following: "more"

Insert: "adjoining"

20. Page 49, line 14. (Staff)

Following: "in"

Strike: "[subsection (4) of section 54]"

Insert: "13-4-102(4)"

21. Page 64, line ~~20~~²¹. (Klundt - Clerk & Recorder's Association)

Following: "ballot"

Insert: "in even year elections"

22. Page 65, line 9. (Davis - League of Women Voters)
Following: "ballot"
Strike: "may"
Insert: "shall"
Following: "size"
Strike: "and"
Insert: "or"
23. Page 65, line 24. (Staff)
Following: "election"
The remainder of lines 24 through line 3
on page 25 were incorrectly printed. This is
new material and should have been underlined.
On line 24 "was" and on line 25 "be" should
be deleted and should not have been printed
in the bill.
24. Page 66, line 12. (Staff)
Following: "the"
Strike: "sets"
Insert: "set"
25. Page 75, line 1. (Staff)
Following: page 74
Strike: "elections"
Insert: "election"
26. Page 75, line 7. (Staff)
Following: line 6
Strike: line 7
Insert: "independent candidates or political parties
not eligible to participate in primary"
27. Page 75, line 8. (Staff)
Following: "election"
Strike: "ballot"
28. Page 82, line 6. (Staff) *removed*
Strike "prescribe form"
29. Page 82, line 7. (Staff)
Strike: "and"
30. Page 82, line 8. (Staff)
Strike: line 8 through line 13 in their entirety
Renumber: all subsequent subsections
31. Page 100, line 8. (Staff)
Following: "section"
Strike: "114"
Insert: "112"
32. Page 100, line 22. (Staff)
Strike: "["

33. Page 100, line 23. (Staff)
Strike: "]"
34. Page 102, line 20. (Staff)
Following: "obstruction,"
Strike: "and"
Insert: "or"
35. Page 106, line 14. (Staff)
Following: "section"
Strike: "106"
Insert: "109"
36. Page 112, line 19. (Staff)
Following: "judges--"
Strike: "pollbooks"
Insert: "pollbook"
37. Page 112, line 21. (Staff)
Following: "note on the"
Strike: "pollbooks"
Insert: "pollbook"
38. Page 118, line 3. (Staff)
Following: line 2
Strike: "13-2-512"
Insert: "[section 4]" *Section 4*
Following: "and"
Strike: "13-2-514"
Insert: "43]"
39. Page 118, line 11. (Staff)
Following: "13-13-301"
Strike: "then"
Insert: "and the challenge has been determined
in favor of the individual challenged as
provided in 13-13-307,"
40. Page 122, line 12. (Staff)
Following: line 11.
Strike: "["
Following: "14"
Strike: "]"
41. Page 122, line 17. (Staff)
Following: "section"
Strike: "137"
Insert: "141"
42. Page 126, line 11. (Staff)
Following: "each"
Insert: "vacancy for"
43. Page 126, line ¹²~~12~~. (Staff)
Following: "each"
Insert: "vacancy for"

44. Page 127, line 25. (Klundt - Clerk and Recorder's Association)
Following: "close"
Insert: "Any individual wishing to observe the counting board procedures must be sequestered with the board until after the polls close."

45. Page 128, line 5. (Klundt - Clerk and Recorder's Association)
Following: "counting."
Insert: "The election administrator may appoint an extra election judge to act as a marshal to be responsible for exchanging ballot boxes and pollbooks and enforcing sequestering of the board and observers."

46. Page 129, line 23. (Staff)
Following: "the"
Strike: "pollbooks"
Insert: "pollbook"

47. Page 134, line 4. (Smith - School Board Association)
Following: "administrator"
Insert: "except with regard to school district elections wherein the required envelopes or packages shall be returned to the school district clerk."

(or)

Page 303, line 6. (Staff)
Following: "govern"
Insert: "Reference to election administrator in Title 13 means clerk of the school district when the school district is conducting the election wherever the reference is not to a duty that can only be performed by an election administrator."
Note: Alternative is offered as general section to cover other problems that might arise other than the specific amendment above.

48. Page 136, line 11. (Staff)
Following: "13-15-402."
Strike: "Count"
Insert: "Canvass"

49. Page 137, line 10. (Staff)
Strike: "for errors"

50. Page 140, line 13. (Staff)
Following: "of"
Insert: "nomination or"

51. Page 142, line 17. (Staff)
Following: "it shall"
Strike: "procede"
Insert: "proceed"

52. Page 143, line 23. (Staff)
Following: "in"
Strike: "[section 160]"
Insert: 13-15-404
53. Page 152, line 13. (Staff)
Strike: "referred or submitted"
54. Page 152, line 14. (Staff)
Following: Line 13
Strike: "question"
Insert: "ballot issue"
55. Page 155, line 20. (Staff)
Following: "of the"
Strike: "ballot"
Insert: "polls"
56. Page 166, line 16. (Staff)
Following: "of"
Strike: "["
Following: "17"
Strike: "]"
57. Page 166, line 22. (Staff)
Following: "devices"
Strike: "and"
58. Page 166, line 23. (Staff)
Strike: "their duties"
59. Page 176, line 21. (Staff)
Following: "of"
Strike: "13-37-202"
Insert: "13-27_202"
60. Page 179, line 18. (Staff)
Following: "in"
Strike: "13-13-108"
Insert: "[section 111"
Following: and
Strike: "13-17-303"
Insert: "112]"
61. Page 190, line 14. (Staff)
Following: "of"
Insert: "nomination or"
62. Page 190, line 16. (Staff)
Following: "of"
Insert: "nomination or"
63. Page 200, line 23. (Staff)
Following: "candidate"
Strike: "shall"
Insert: "may"

64. Page 202, line 13. (Staff)
Following: "of"
Strike: "["
Following: "37,"
Strike: "]"
65. Page 202, line 16. (John Hanson - submitted after hearing)
Following: "amount"
Strike: remainder of line 16 and line 17
Insert: "up to \$500 or three times the amount of the
unlawful contributions or expenditures, whichever
is greater."
66. Page 202, line 20. (Staff)
Following: "or"
Strike: "["
Following: "37,"
Strike: "]"
67. Page 203, line 12. (Staff)
Following: "under ["
Strike: "section"
Insert: "sections 244 and"
Following: "245"
Strike: "and section 246"
68. Page 203, line 16. (Staff)
Following: "in["
Strike: "section"
Insert: "sections 244 and"
Following: "245"
Strike: "and section"
69. Page 203, line 17. (Staff)
Strike: "246"
70. Page 207, line 10. (Staff)
Strike: "(4)"
71. Page 216, line 10. (Staff)
Strike: "(5)"
72. Page 218, line 18. (Staff)
Following: "at"
Strike: "such an event"
Insert: "fund raising events"
73. Page 218, line 24. (Staff)
Following: line 23
Strike: "(6)"
Insert: "(7)"
74. Page 226, line 1. (Staff)
Following: "the"
Strike: "the"
75. Page 258, line 10. (Klundt - Clerk and Recorder's Assn)
Strike: "28"
- John Hanson suggested
amendment*

Page 259, line 14. (Staff)

Following: Line 13

Insert: "(2) A special election may not be held sooner than 60 days after the adequacy of the petition is determined by the election administrator or the governing body orders a special election."

Renumber subsequent subsections.

76. Page 259, line 15. (Staff)

Following: "the"

Strike: "elections"

Insert: "election"

77. Page 262, line 20. (Staff)

Following: [sections"

Strike: "137"

Insert: "139"

78. Page 262, line 21. (Staff)

Following: "through"

Strike: "section 144"

Insert: "146"

79. Page 268, line 17. (Staff)

Following: "administrator"

Insert: "--"

80. Page 268, line 19. (Staff)

Following: "the"

Insert: "election"

81. Page 277, line 14. (Staff)

Following: "far as"

Strike: "they are"

Insert: "it is"

82. Page 284, line 9. (Staff)

Following: "the"

Insert: "election"

83. Page 284, line 11. (Staff)

Following: "The"

Insert: "election"

84. Page 290, line 16. (Staff)

Following: "section"

Strike: "139"

Insert: "141"

85. Page 292, line 17. (Staff)

Following: "section"

Strike: "139"

Insert: "141"

86. Page 294, line 1. (Staff)

Following: "7-7-2229"

Strike: "through 7-7-2231, 7-7-2233, and 7-7-2234"

87. Page 300, line 6. (Smith, School Board Association)
Insert: all stricken material in lines 6 through 24

88. Page 309, line 21. (Smith, School Board Association)
Strike: "20"
Insert: "15"

Note: An alternative would be to move the filing date
for school trustees so ballots could be printed sooner
(Staff)

89. Page 309, line 22. (Smith, School Board Association)
Strike: "trustees"
Insert: "clerk"

- (or)

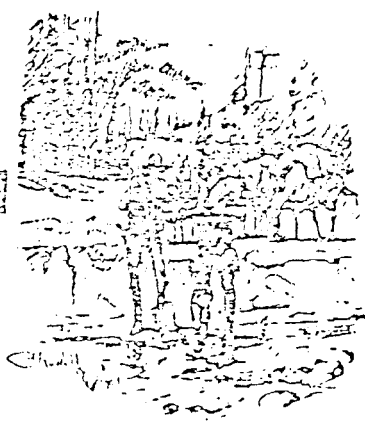
Page 309, line 22. (Staff)
Strike: "trustees"
Insert: "clerk of the district"
Following: "shall"
Strike: "certify"
Insert: "prepare a certified list of"

Page 309, line 24. (Staff)
Strike: "to the"
Insert: "The"
Strike: "of the district, who"

90. Page 322, line 2. (Staff)
Following: "25"
Strike: "and"
Insert: ", "
Following: "30"
Insert: ", 41, and 43"

91. Page 323, line 14. (Staff)
Strike: "13-4-106,"

92. Page 323, line 21. (Staff)
Following: "through"
Strike: "13-14-204, 13-14-206"
Insert: "13-14-208"



Russell COLLECTION

208-THIRD AVENUE NORTH / GREAT FALLS, MONTANA 59401 / (406) 452-1292

January 22, 1979

Senator Everett Lensink, Senate Judiciary Chairman
Rep. John P. Scully House Judiciary Chairman

Since I was unable to attend the joint hearing on SB 65, I wish to submit testimony as a proponent of this bill.

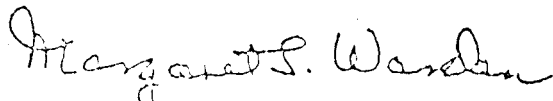
The sub-committee on Election Laws, chaired by Jim Courtney with Ralph Eudaily and I worked for two years on this bill. Testimony was taken from numerous witnesses and Merrill Klundt, Yellowstone County Clerk and Recorder, headed a committee of the Clerk and Recorder's Association who worked closely with us and attended every meeting. Their cooperation was outstanding.

Generally, the bill provides that the basic statutory framework is simplified and easier to deal with by allowing less detail in law and provides for fixing the responsibility for elections at the local level and at the state level. This is greatly needed.

One of the needed changes was allowing printers more time to get the ballots printed. Because off-set printing has been adopted by most of the printers, there are only 3 or 4 presses in the state that lend themselves to the printing of the large ballots of recent years. Thus, if candidates file 50 days before the election instead of the 40 days in current law, this will allow more time for printing. This appears on page 58, Sec. 63.

Another section, Sec. 40-43, pages 38-41, deals with amending existing law to provide for re-registration at the polls to change an elector's address. We now have single member districts and people voting in each district should cast the vote for the representative or senator from that district. This was the purpose of single member districts. In ~~Ristrict~~ Precinct, No. 1, at the Courthouse in Great Falls, I would say that about 40% of the voters do not live in the district. Many did but when they moved to other areas of the city, they did not change the voting precinct. There has been no mandatory change in this procedure since the mid thirties. If we are to support the one vote principle, this provision allowing a voter to vote one time in the district or precinct he now votes in and providing that there be a change of address done at the polls for a future election would correct many errors.

Sincerely,


Margaret S. Warden

Copies for each member of House and Senate Judiciary



Date 2/1/79

ROLL CALL

JUDICIARY COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
Lensink, Everett R., Chr. (R)	✓		
Olson, S. A., V. Chr. (R)	✓		
Turnage, Jean A. (R)	✓		
O'Hara, Jesse A. (R)	✓		
Anderson, Mike (R)	✓		
Galt, Jack E. (R)	✓		
Towe, Thomas E. (D)	✓		
Brown, Steve (D)	✓		
Van Valkenburg, Fred (D)	✓		
Healy, John E. (Jack) (D)	✓		

Each Day Attach to Minutes.

MINUTES OF MEETING
SENATE JUDICIARY COMMITTEE
February 1, 1979

The twenty-third meeting of the Senate Judiciary Committee was called to order in room 331 at 4:16 p.m. on the above date by Senator Everett R. Lensink. This was an extension of the morning meeting on Senate Bill 65, which is the election bill.

ROLL CALL:

All members were present.

CONSIDERATION OF SENATE BILL 65:

John Bell, representing the Montana Association of Clerks and Recorders, suggested an amendment on page 12, lines 10 through 13, by striking the entire subsection (7). He used as an example that he had served in the military for 24 years and never lost his residency and stated that this is not in conflict with the law.

Senator Towe moved that amendment #11 be adopted. The motion carried unanimously.

Senator Towe moved that amendment #47 be adopted, using the language as Joan Mayer stated. The motion carried.

Senator Towe moved that amendment #75 on page 259, line 14, (staff amendment) be adopted. The motion carried.

Senator Olson moved that amendment #87 be adopted. The motion carried.

Senator Galt moved that amendment #88 be adopted. The motion carried.

Senator Galt moved that the staff amendment #89 be adopted and the motion carried.

There was some discussion on violations of the Campaign Practices Act. Senator Brown gave an explanation of what would happen going from a criminal penalty to a civil penalty. Senator Towe moved amendment #65. Senator Brown commented that there has to be an element of responsibility in the campaign. Senator O'Hara and Senator Towe questioned as to how many cases there have been that have not complied with this act and if they have trouble enforcing these requirements. The motion on this amendment carried.

Senator Brown moved that the bill do pass, as amended.

A question came up of registering by post card and if the card should be mailed in. Senator Lensink suggested that this was a problem that could be taken up by a sub-committee. He

noted that this bill will have to be worked on with a sub-committee from the House and he felt that the best procedure right now is to get this bill rolling.

Senator Towe stated that in 1977, there were two substantive sections that were repealed. He felt that this was the time to reincorporate them.

Senator Lensink stated that people have worked on this bill for two years and that he did not think that every person should, at this point, put in their own little changes. He said that the bill, if it passes, can be changed at a later date and that this bill is a big improvement over what it is now.

Senator Towe asked what are we going to do about percentages. Senator Brown withdrew his motion. Senator Anderson said that he would suspect that we have a conflict in that area. Senator Towe said that we could bring the other bill off the table or could introduce a committee bill. He stated that you need a 2/3 vote to get a committee bill introduced. Senator Lensink stated that he would vote to take the other bill off the table and the more he thought about it, he really did not want to fool with this one. Senator Brown stated that he would feel more comfortable addressing the issue in a separate bill.

Senator Brown moved that Senate Bill 65 do pass, as amended. The motion carried unanimously.

There being no further business, the meeting adjourned at 5:30 p.m.

Everett R. Lensink

SENATOR EVERETT R. LENSINK, Chairman
Senate Judiciary Committee

Minutes - February 1, 1979
Senate Judiciary Committee
Page Three

Senator Brown moved the adoption of amendment #44. The motion carried unanimously.

There was some discussion on amendment #47 and it was decided that the committee would look at this later.

At 11:30 a.m., the meeting was adjourned.

Everett R. Lensink
SENATOR EVERETT R. LENSINK, Chairman
Senate Judiciary Committee

Date 2/11/79

ROLL CALL

JUDICIARY COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
Lensink, Everett R., Chr. (R)	✓		
Olson, S. A., V. Chr. (R)	✓		
Turnage, Jean A. (R)	✓		
O'Hara, Jesse A. (R)	✓		
Anderson, Mike (R)	✓		
Galt, Jack E. (R)	✓		
Towe, Thomas E. (D)	✓		
Brown, Steve (D)	✓		
Van Valkenburg, Fred (D)	✓		
Healy, John E. (Jack) (D)	✓		

Each Day Attach to Minutes.

STANDING COMMITTEE REPORT

February 3 1979

MR. President:

We, your committee on Judiciary

having had under consideration Senate Bill No. 65

Respectfully report as follows: That Senate Bill No. 65

introduced bill, be amended as follows:

1. Title, line 15.
Strike: "13-4-106, "
2. Title, line 22.
Strike: "13-14-204, 13-14-206"
Insert: "13-14-203"
3. Page 2, line 16.
Following: line 15
Insert: "declaration or"
Following: "nomination,"
Strike: "certificate of nomination, or"
4. Page 2, line 17.
Following: "nomination"
Insert: "or appointment as a candidate"

CTYK330X

(continued)

5. Page 4, line 15.
Following: "duties"
Insert: ", except that with regard to school elections
the term means the school district clerk"
6. Page 8, line 20.
Following: "On the"
Strike: "second"
Following: "Tuesday"
Strike: "after"
Insert: "following"
7. Page 9, line 5.
Following: "legislature,"
Strike: "and"
Following: "court"
Insert: ", and county officers"
8. Page 9, line 12.
Following: "elect"
Strike: "county and"
9. Page 10, line 2.
Strike: "For any election,"
10. Page 10, line 5.
Strike: lines 5 through line 6 in their entirety
Insert: "Polls must be open from 8 a.m. to 8 p.m.
except polling places having fewer than 100 registered
electors which must be open from 12 noon to 8 p.m."
11. Page 10, line 7.
Strike: "p.m. of that day"
12. Page 11, line 9.
Following: "of"
Strike: "a"
Insert: "an"
13. Page 12, line 10.
Following: line 9
Strike: Lines 10 through 13 in their entirety.
Renumber: subsequent subsections
14. Page 16, line 10.
Following: "an"
Strike: "annual"
Insert: "annual"

(Continued)

Chairman.

February 3, 1979

1979

15. Page 17, line 19.
Following: "plan."
Strike: remainder of lines 18
through 19 in their entirety.
16. Page 23, line 25.
Following: "prepared"
Strike: " , "
17. Page 30, line 23.
Following: " determine "
Insert: "precinct of"
18. Page 32, line 12.
Following: " publish "
Insert: "a"
19. Page 33, line 7.
Following: line 6
Strike: " elections "
Insert: "election"
20. Page 34, line 9.
Following: " he "
Strike: " was "
Insert: "were"
21. Page 47, line 12.
Following: " more "
Insert: "adjoining"
22. Page 49, line 14.
Following: "in"
Strike: "[subsection (4) of section 54]"
Insert: "13-4-102(4)"
23. Page 64, line 21.
Following: "ballot"
Insert: "in even year elections"
24. Page 64, line 24.
Following: " election "
The remainder of lines 24 through line 3
on page 65 were incorrectly printed. This is
new material and should have been underlined.
On line 24 "was" and on line 25 "be" should be
deleted and should not have been printed in the bill.

(Continued)

25. Page 65, line 9.
Following: " ballot "
Strike: " may "
Insert: "shall"
Following: size "
Strike: " and "
Insert: "or"
26. Page 66, line 12.
Following: "the"
Strike: " sets "
Insert: "set"
27. Page 75, line 1.
Following: page 74
Strike: " elections "
Insert: "election"
28. Page 75, line 7.
Following: line 6
Strike: line 7
Insert: "independent candidates or political parties
not eligible to participate in primary"
29. Page 75, line 8.
Following: "election"
Strike: "ballot"
30. Page 82, line 6.
Strike: "prescribe form"
31. Page 82, line 7.
Strike: " and "
32. Page 82, line 8.
Strike: Lines 8 through 13 in their entirety
Renumber: all subsequent subsections
33. Page 100, line 8.
Following: "section"
Strike: "114"
Insert: "112"
34. Page 100, line 22.
Strike: "["

(Continued)

35. Page 100, line 23.
Strike: "]"
36. Page 102, line 20.
Following: "obstruction,"
Strike: "and"
Insert: "or"
37. Page 106, line 14.
Following: " section "
Strike: " 106 "
Insert: "109"
38. Page 112, line 19.
Following: "judges--"
Strike: "pollbooks"
Insert: "pollbook"
39. Page 112, line 21.
Following: "note on the"
Strike: "pollbooks"
Insert: "pollbook"
40. Page 118, line 3.
Following: line 2
Strike: " 13-2-512 "
Insert: "[sections 41"
Following: " and "
Strike: " 13-2-514 "
Insert: "43]"
41. Page 118, line 11.
Following: "13-13-301"
Strike: "then"
Insert: "and the challenge has been determined in
favor of the individual challenged as provided
in 13-13-307,"
42. Page 122, line 12.
Following: line 11.
Strike: "["
Following: "14"
Strike: "]"
43. Page 122, line 17.
Following: "section"
Strike: "137"
Insert: "141"

(Continued)

February 3 1979

44. Page 126, line 11.
Following: "Each"
Insert: "vacancy for"
45. Page 126, line 14.
Following: "Each"
Insert: "vacancy for"
46. Page 127, line 25.
Following: "close."
Insert: "Any individual wishing to observe the counting board procedures must be sequestered with the board until after the polls close."
47. Page 128, line 5.
Following: "counted."
Insert: "The election administrator may appoint an extra election judge to act as a marshal to be responsible for exchanging ballot boxes and pollbooks and enforcing sequestering of the board and observers."
48. Page 129, line 23.
Following: "the"
Strike: "pollbooks"
Insert: "pollbook"
49. Page 136, line 11.
Following: "13-15-402."
Strike: "Count"
Insert: "Canvass"
50. Page 137, line 10.
Strike: " for errors "
51. Page 140, line 13.
Following: "of"
Insert: "nomination or"
52. Page 142, line 17.
Following: "It shall"
Strike: "proceeds"
Insert: "proceed"
53. Page 143, line 23.
Following: "in"
Strike: "[section 160]"
Insert: 13-15-404
54. Page 152, line 13.
Strike: "referred or submitted"

(Continued)

February 3, 1979

55. Page 152, line 14.
Following: line 13
Strike: "question"
Insert: "ballot issue"
56. Page 155, line 20.
Following: "of the"
Strike: "ballot"
Insert: "polls"
57. Page 166, line 16.
Following: "of"
Strike: "["
Following: "17"
Strike: "]"
58. Page 166, line 22.
Following: "devices"
Strike: "and"
59. Page 166, line 23.
Strike: "their duties"
60. Page 176, line 21.
Following: " of "
Strike: "13-37-202"
Insert: "13-27-202"
61. Page 179, line 13.
Following: "in"
Strike: "13-13-103"
Insert: "[sections 111"
Following: and
Strike: "13-17-303"
Insert: "112]"
62. Page 190, line 14.
Following: "of"
Insert: "nomination or"
63. Page 190, line 16.
Following: "of"
Insert: "nomination or"
64. Page 200, line 23.
Following: "candidate"
Strike: "shall"
Insert: "may"

(Continued)

65. Page 202, line 13.
Following: "of"
Strike: "["
Following: "37,"
Strike: "]"
66. Page 202, line 16.
Following: "amount"
Strike: remainder of lines 16 and 17 in their entirety
Insert: "up to \$500 or three times the amount of the
unlawful contributions or expenditures, whichever
is greater."
67. Page 202, line 20.
Following: "or"
Strike: "["
Following: "37,"
Strike: "]"
68. Page 203, line 12.
Following: "under (""
Strike: "section"
Insert: "sections 244 and"
Following: "245"
Strike: "and section 246"
69. Page 203, line 16.
Following: "in(""
Strike: "section"
Insert: "sections 244 and"
Following: "245"
Strike: "and section"
70. Page 203, line 17.
Strike: "246"
71. Page 207, line 10.
Strike: "(4)"
72. Page 216, line 10.
Strike: "(5)"
73. Page 218, line 13.
Following: "at"
Strike: "such an event"
Insert: "fund raising events"

(Continued)

74. Page 218, line 24.
Following: line 23
Strike: "(6)"
Insert: "(7)"

75. Page 226, line 1.
Following: "the"
Strike: " the "

76. Page 259, line 14.
Following: line 13
Insert: "(2) A special election may not be held sooner
than 60 days after the adequacy of the petition
is determined by the election administrator or the
governing body orders a special election."
Renummer: subsequent subsections:

77. Page 259, line 15.
Following: "the"
Strike: "elections"
Insert: "election"

78. Page 262, line 20.
Following: " sections "
Strike: " 137 "
Insert: "133"

79. Page 262, line 21.
Following: " through "
Strike: " section 144 "
Insert: "146"

80. Page 263, line 17.
Following: " administrator "
Insert: "..."

81. Page 263, line 19.
Following: "The"
Insert: "election"

82. Page 277, line 14.
Following: "far as"
Strike: "they are"
Insert: "it is"

83. Page 284, line 9.
Following: "the"
Insert: "election"

84. Page 284, line 11.
Following: "The"
Insert: "election"

(Continued)

85. Page 290, line 16.
Following: " section "
Strike: "139"
Insert: "141"
86. Page 292, line 17.
Following: " section "
Strike: " 139 "
Insert: "141"
87. Page 299, line 23
Following: "election."
Insert: "(1)"
88. Page 303, line 6.
Following: line 5
Insert: "(2) The trustee election ballots shall be substantially in the following form:

OFFICIAL BALLOT
SCHOOL TRUSTEE ELECTION

INSTRUCTIONS TO VOTERS: Make an X or similar mark in the vacant square before the name of the candidate for whom you wish to vote.

Vote for (indicate number to be elected) for a 3-year term:
(List the names of the candidates for a 3-year term with a vacant square in front of each name.)

Vote for (indicate number to be elected) for a 2-year term:
(List the names of the candidates for a 2-year term with a vacant square in front of each name.)

Vote for (indicate number to be elected) for a 1-year term:
(list the names of the candidates for a 1-year term with a vacant square in front of each name.)"

89. Page 309, line 21.
Strike: "20"
Insert: "15"
90. Page 309, line 22.
Following: line 21
Strike: " trustees "
Insert: "clerk of the district"
Following: " shall "
Strike: " certify "
Insert: "prepare a certified list of"

(Continued)

February 3

79

19.....

91. Page 309, line 24.
Strike: " to the "
Insert: ". the "
Strike: " of the district, who "
92. Page 322, line 2.
Following: "25"
Strike: "and"
Insert: ", "
Following: "30"
Insert: ", 41, and 43"
93. Page 323, line 14
Strike: "13-4-106,"
94. Page 323, line 21.
Following: "through"
Strike: "13-14-204, 13-14-206"
Insert: " 13-14-208"

As so amended
DO PASS

Mc.

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
SB 322	protect employers from claims for contribution or indemnity - third person	2/14	Healy	Weds 3/7	be concurred	3/8
SB 296	amend - specifically include tribal judges on list of officials authorized to solemnize marriage	2/14	W Valkenburg	Friday 3/2	be concurred	3/6
SB 106	salary increases for probation officers	2/15	B. Brown	Monday 3/5	as amended be concurred	3/16
SB 65	revise laws relating to elections	2/15	Lensink		as amended be concurred	3/19
SB 291	revise laws - filling vacancies in county & legislative offices	2/15	Lensink	Friday 3/2	concur	3/5
SB 86	relating to information required of professional liability insurers	2/16	?	Tuesday 2/6	not concurred in	3/5

JUDICIARY COMMITTEE
EXECUTIVE SESSION
March 15, 1979

The meeting was called to order by Vice-chairman Teague at 9:00 a.m. in room 436 of the Capitol Building on Thursday, March 15. All members were present except Representatives Seifert and Scully.

The first order of business was a report from the sub-committee on the sentencing bills, Representative Pavlovich, Chairman. He started the report by saying that HB 396 had been killed in Senate Judiciary and that the sub-committee recommended that 228 be killed because this was covered by 426. However, 426 needs an amendment to make it work. HB 618 has passed the Senate on March 14th. He went through the other bills and gave the current status of each.

SENATE BILL NO. 228: Representative Pavlovich moved "be not concurred in". Representative Keedy questioned the sub-committee reasoning concerning Senate Bills 228 and 426. Larry Weinberg, the staff attorney, explained this. 228 dealt with making persisting felony offenders ineligible for parole or to participate in the prisoner furlough program. 426 would have made mandatory language concerning persistent felony offenders that was made discretionary by the Senate. On page 2, subsection 2, its existing language covers the material in subsection 3 now by changing "shall" to "may". The change has all of the power under subsection that was granted under subsection 3. Number 228 as originally written would have made a difference.

Representative Keedy commented that if 228 does not pass then 426 is stretching the imagination. 228, in effect, makes no change in the law as it is written right now. It needs to change the "or" to "and".

Representative Keedy moved a substitute "do pass". Representative Keedy moved to amend page 2, line 13 by striking "may" and inserting "shall". The motion failed with 8 yes and 8 no votes. Representatives Holmes spoke against the amendment and Representatives Conroy and Iverson spoke for the amendment.

Representative Keyser moved to revert to the original motion "do not pass". The motion carried with the vote unanimous.

SENATE BILL NO, 364: Representative Conroy moved "be concurred in". Representative Keedy discussed the bill and the way it would distribute justice based upon wealth. The poor guy would go to jail and the rich guy would stay out.

Representative Daily moved a substitute "not concurred in". The motion carried with Representatives Eudaily and Pavlovich voting "no".

SENATE BILL NO. 426: Representative Pavlovich moved to amend on page 1, line 22 and the title, line 7. The motion to amend carried with Representatives Conroy and Anderson voting "no".

Representative Pavlovich moved "be concurred in as amended". The motion carried with Representatives Day, Anderson, Curtiss, Iverson, Conroy and Roth voting "no".

SENATE BILL NO. 205: Representative Pavlovich moved "be concurred in". The motion carried with the vote unanimous.

SENATE BILL NO. 65: Representative Eudaily reported on the sub-committee. He explained how long they had worked on the bill, what had been accomplished and introduced Joanne Woodgerd and Dennis Taylor who had assisted with compiling and revising the election laws as contained in the bill.

JOANNE WOODGERD: She explained that she was on special assignment in order to work on this bill. She went through the bill section by section and explained it, and also said that most are merely housekeeping amendments of those that are being submitted for the committee to study. I will not discuss any form or grammatical changes. The bill as introduced would have put city and county officials on the ballot at the November election of odd numbered years. The Senate put the county officials back on even numbered years as they are now. Only city and special elections would be in odd numbered years. It requires all polling places to be open from 8 to 8 if over 100 voters and if under 100 voters it will be from 12 to 8. There is a provision in the bill which allows for a counting board to start counting before the polls close. They must be sequestered. The clerks can appoint a marshall to see that they are sequestered.

School district trustees and clerks will run the school district elections. These are the substantive amendments put in by the Senate. The first 214 sections of the bill deal with title 13 which deals with elections. Most are mechanical changes. Page 1 through 177 are the ones that pertain to the revised election sections. They are the ones the interim has dealt with most. 177 through 220 concern campaign finances and practice. 220 through 325 are mostly recode, referring to election administrators and recode of existing law.

Representative Teague asked why the 20th year referring to Page 13, line 18.

Mrs. Woodgerd explained that every 20 years is the calling of a constitutional convention. In the section on campaign practices, are there any in this bill. Mrs. Woodgerd said, not in this bill, there are some in other bills.

Representative Eudaily explained the staff amendments that they are proposing and presented copies to the committee. Mrs. Woodgerd said that some changes were made in the repealing sections. She went through the amendments and explained. Title 7 is the local governments sections which hadn't been picked up originally. She also said that a number of the Senate amendments are included. 4, 9, 10, 11, 12, 13 and 14 are from Senate Bill 112. 6, 7, and 8 are from Senate Bill 156, which is being held in Senate Judiciary and we are suggesting that they be amended into this bill. There was discussion about the 1/2 of 1% instead of 1% of the salary.

Starting with amendment 31 on page 3 they are the new changes in the bill. They mainly have to do with getting the districts to agree. She also discussed the recall law. It strikes the city clerk in a number of these sections. She discussed the municipal judges, city judges and claims courts.

On page 5, this has to do with the creation of new towns and cities to make them conform. Page 6 to 8 deals with city and county consolidation. We did feel we had to go through and make some correct references. Page 8 and at the top of page 9 has to do with municipal commission government. On the bottom of page 9 it deals with county bond election.

Representative Keyser asked if any of these affect charter form of government. Mrs. Woodgerd answered, no, that is new law so I don't think that needed straightening out.

County water and sewer provisions are dealt with on pages 10 and 11, and pages 11 and 12 are the rural fire districts. Next hospital districts are covered. On page 12, it deals with county option elections on the sale of alcoholic beverages. Pages 12 through 15 covers the conservation district making them fit with Senate Bill 65 and to have the elections run by the election administrator.

The bottom of page 15 and then 16 deals with irrigation districts, and page 18 with drainage district provisions. That is the end of the new section that we put in.

Page 18 is in the transition schedule in the bill. Originally we had decided that the first odd year election should be held in 1981. The only cities that will hold elections this fall are Poplar, Great Falls, Bozeman, and Helena, city manager cities. Now there are some changes in the repealers also. The other amendments were from the sub-committee and these are not substantive. She explained those amendments.

Discussion followed about who should be charged for the election and then followed discussion about how the amendments will be returned to the Senate in the event they are adopted.

Representative Eudaily moved the amendments. The motion carried with Representative Keyser voting "no".

Discussion followed about the staff amendments as presented to the committee.

Representative Day asked about the irrigation district changes on page 17 of the staff amendments. Then followed discussion about the procedure. Mr. Day asked why they wanted to change something that was working well, why change just for the sake of change.

Mrs. Woodgerd said that the interim committee asked that we try to make everything uniform for all special elections. Whereupon Mr. Day asked, who is the administrator in a multi-county district. Mrs. Woodgerd said that it would be each clerk and recorder of each county.

Mr. Day stated that the irrigation districts now handle their own elections. He went on to explain how the irrigation districts work. Then there was discussion about how it should be changed. Mrs. Woodgerd commented that Mr. Ellis of the irrigation district felt it should be included.

What we were charged with was to try and bring everything uniform, said Representative Eudaily. Mrs. Roth asked if this would cut down on costs. The answer was, yes, that was the intention.

With no further discussion, the question was called. The motion to adopt the amendments carried with Representative Day voting "no".

Representative Eudaily moved "be concurred in an amended". The motion carried with Representative Day voting "no". Members absent were Representatives Keedy,

Conroy, Holmes, Scully, Lory, Seifert and Uhde. Representative Eudaily will carry it on the floor.

SENATE BILL NO. 112: Joanne Woodgerd explained this bill and commented that the subcommittee recommended holding it, until action is taken on Senate Bill 365. There are some amendments that were deleted.

SENATE BILL NO. 132: Mr. Eudaily presented the sub-committee proposed amendments. This bill amends current law and tries to address the problem of getting a recount of 1/4 of 1%. Mr. Eudaily went on to explain the provision for the recount. The unsuccessful candidate would have to post a bond with the clerk and recorder in the amount set by the clerk and recorder sufficient to cover all the costs of the recount, including loss of time of regular employees caused by absence from their regular duties. The county canvassers would then meet and recount the ballots as specified in the petition.

Representative Eudaily moved the adoption of the amendments. The motion carried with the vote unanimous. Representative Roth moved "be concurred in as amended". The motion carried with the vote unanimous. Representative Eudaily will carry on the floor.

SENATE BILL NO. 225: Representative Keyser presented amendments and moved the adoption. The motion carried with the vote unanimous. Representative Keyser moved "be concurred in as amended". The motion carried with the vote unanimous. Representative Keyser will carry on the floor.

SENATE BILL NO. 256: Joanne Woodgerd explained some problems that might come up with House Bill 747 in the Senate. This bill does most of what that bill would do.

Representative Keyser moved to amend as presented to the committee. He explained the amendments. The motion carried with the vote unanimous. (attached)

Representative Kemmis moved to amend, by striking Page 13, lines 18 and 19, to strike and insert new language, (copy attached) and to amend page 14, lines 7 and 8. (copy attached) The motion carried with the vote unanimous.

Representative Rosenthal moved "be concurred in as amended". The motion carried with the vote unanimous.

JUDICIARY COMMITTEE
EXECUTIVE SESSION
March 16, 1979

The Judiciary Committee was called to order by Chairman Scully at 8:00 a.m. in room 436 of the Capitol Buildin. All members were present except Representatives Conroy and Seifert.

SENATE BILL NO. 217

Representative Keedy presented prepared amendments to the committee. He explained the amendments and the drafting of them. It would retain the exclusionary rule. The exclusionary rule, which requires the exclusion of otherwise admissible evidence, has consistently permitted the guilty to escape prosecution and punishment because the police have committed errors which in many cases have been technical in nature and in most cases have been made in good faith. Actual police lawlessness has seldom been deterred by the rule in cases where prosecutions have resulted since the exclusion of the evidence at trial carries no personal sanction against the police officer involved. Such police lawlessness has seldom been deterred by the rule where the police have had goals other than the prosecution of criminals since such activity is subject to virtually no judicial scrutiny and the rule provides no remedy for the innocent victims of such lawlessness. Application of the rule often deflects the truthfinding process and often frees the guilty. The disparity in cases between the error committed by the police officer and the windfall afforded a guilty defendant by application of the rule is contrary to the idea of proportionality that is essential to the concept of justice. Although the rule is thought to deter unlawful police activity because of the respect for the fourth amendment, it may well have the opposite effect of generating disrespect for the law and administration of justice. He went on to explain the bill as his amendments would affect it and what they would do.

Representative Scully questioned subsection 4, concerning civil liability and proof by a preponderance of evidence that there was a violation of the rights of a person protected by the fourth amendment. Some discussion followed.

Then followed discussion about the warrant and the civil damages, and further discussion about civil liability. Representative Kemmis asked about the provision of violation. Would they be weighed one against the other.

Larry Weinberg, staff attorney, explained the new section three as used in this bill. He explained the exclusive remedy and the laws of Montana relating to search and seizure.

After much further discussion Representative Keedy moved the amendments. He stated that on page 5, it would be necessary to strike the new section in the big sheet presented to the committee and adopt the new section 11 of the

HOUSE BILL NO. 899:

Representative Lory moved to table. The motion carried with the vote unanimous.

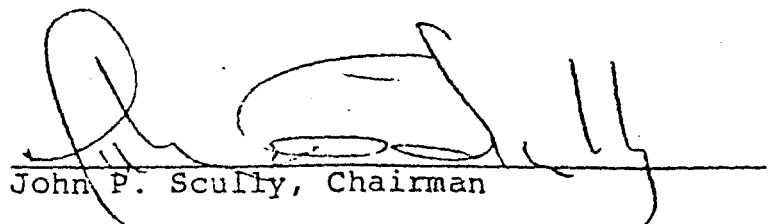
SENATE BILL NO. 65:

Representative Eudaily presented copies of a statement of intent for this bill.

It was agreed that as written, it was satisfactory. Representative Eudaily moved the adoption of the statement of intent. The motion carried with the vote unanimous.

There was some discussion about why House Bill No. 899 was tabled, and finally decided that it was not needed at this time.

The meeting adjourned at 11:25 a.m.



John P. Scully, Chairman

JPS:mec

STATEMENT OF INTENT RE: SB 65

A statement of intent is required for this bill because it delegates rulemaking authority to the secretary of state in section 200; amends 13-37-114, MCA, which delegates authority to the commissioner of campaign finances and practices to promulgate rules; and amends 13-37-227, MCA, which requires the commissioner of campaign finances and practices to adopt certain rules.

In addition, this statement is intended to clarify the authority granted to the secretary of state in section 12.

1. In subsection (1) of section 200 the secretary of state is authorized to adopt rules in accordance with the Montana Administrative Procedure Act relating to the examination and approval for use of voting machines and devices. The rapidly changing technology used to develop these machines and devices makes it impossible to anticipate and address every problem that may occur in determining if a machine or device is desirable for use in Montana. It is the intent of the Legislature that the secretary of state adopt rules specifying criteria for approval that must be met by new types of machines or devices. The secretary of state may find it necessary to adopt additional rules relating to hearings on allowing the use of machines or devices in

Montana if a number of companies request approval of their equipment.

2. In subsection (2) of section 200 the secretary of state is required to prescribe rules for the use of the machines and devices approved for use in Montana. The development of new types of machines and devices makes it impossible to provide detailed procedures for local election officials to follow in using machines and devices by statute. The secretary of state should provide, by rule, the same type of procedural guidance given by statutory law for elections conducted by paper ballots in those cases when the procedures need to be different than those used for paper ballot elections. Rules prescribed under this authority shall include specific procedures needed to insure that the machine or device is working properly and has not been tampered with; special procedures needed to count or record the votes cast; and special procedures to be used during a recount.

3. In section 233, the bill amends 13-37-114, MCA, to limit the rulemaking authority of the commissioner of campaign finances and practices to chapters 35, 36, and 37 of Title 13 in conformance with other amendments and provisions throughout the bill to clearly define the authority of the commissioner, the secretary of state, and local election officials.

1 4. In section 257, the bill amends 13-37-227, MCA, to
2 require the commissioner of campaign finances and practices
3 to adopt additional rules relating to political committees
4 which file periodic reports with the federal election
5 commission and those headquartered outside of Montana. It is
6 the intent of the Legislature that the commissioner adopt
7 rules which will allow these committees to comply with
8 Montana laws by filing copies of federal reports, whenever
9 possible.

10 5. In subsection (1)(a) of section 12, the authority
11 given to issue written directions and instructions is
12 intended to give legal standing to the type of directives
13 and instructions the secretary of state has issued in the
14 past in regard to elections and is not intended to
15 significantly increase the number of directives and
16 instructions. The main purpose of a directive or instruction
17 should be to assist election administrators in their duties
18 and assure uniform procedures are used in all counties,
19 whenever possible.

20 6. In subsection (1)(c) of section 12, the secretary
21 of state is authorized to issued advisory opinions. It is
22 the intent of the Legislature that advisory opinions should
23 be made primarily for administrative problems that do not
24 apply to all counties in the state or to problems that do
25 not regularly occur. An opinion should be issued only when

1 the person requesting the opinion and the secretary of state
2 believe the problem is administrative in nature and does not
3 require a legal opinion from a county attorney or the
4 attorney general.

CHAPTER NO. 571

AN ACT TO GENERALLY REVISE THE LAWS RELATING TO ELECTIONS; REPEALING SECTIONS 2-15-413, 7-2-4604, 7-2-4605, 7-3-1233, 7-3-1234, 7-3-1272 THROUGH 7-3-1280, 7-3-4224 THROUGH 7-3-4226, 7-3-4232 THROUGH 7-3-4241, 7-3-4263, 7-3-4328 THROUGH 7-3-4333, 7-3-4342 THROUGH 7-3-4352, 7-5-301 THROUGH 7-5-303, 7-5-311, 7-5-2211 THROUGH 7-5-2222, 7-5-4211 THROUGH 7-5-4225, 7-5-4402 THROUGH 7-5-4409, 7-6-4433, 7-6-4435, 7-7-2230 THROUGH 7-7-2236, 7-7-4228 THROUGH 7-7-4234, 7-13-2223, 7-13-2224, 7-13-2248, 7-13-2250 THROUGH 7-13-2253, 7-13-2257, 7-13-2326, 13-1-105, 13-2-101, 13-2-111, 13-2-113, 13-2-121, 13-2-204, 13-2-303, 13-4-204 THROUGH 13-4-206, 13-10-101, 13-10-206, 13-10-207, 13-10-210, 13-10-304, 13-10-312 THROUGH 13-10-321, 13-10-506, 13-10-603, 13-11-101 THROUGH 13-11-103, 13-12-103 THROUGH 13-12-105, 13-12-206, 13-12-211, 13-12-213, 13-13-102 THROUGH 13-13-110, 13-13-202, 13-13-237, 13-13-238, 13-13-240, 13-13-302, 13-13-303, 13-13-308, 13-14-101 THROUGH 13-14-104, 13-14-201 THROUGH 13-14-208, 13-15-302, 13-17-202, 13-17-205, 13-17-207, 13-17-302 THROUGH 13-17-304, 13-17-307, 13-17-401 THROUGH 13-17-404, 13-18-101 THROUGH 13-18-106, 13-18-201 THROUGH 13-18-210, 13-35-212, 13-35-216, 13-35-219, 13-35-222 THROUGH 13-35-224, 13-35-229, 13-35-230, 13-35-232, 20-20-412 THROUGH 20-20-414, 85-7-1701, 85-7-1704 THROUGH 85-7-1709, 85-7-1711, AND 85-9-423, MCA.

Section 1. Section 13-1-101, MCA, is amended to read:

"13-1-101. Definitions. As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Anything of value" means any goods that have a certain utility to the recipient that is real and that is ordinarily not given away free but is purchased.

(2) "Candidate" means:

(a) an individual who has filed a declaration or petition for nomination, acceptance of nomination or appointment as a candidate for public office as required by law;

(b) for the purposes of chapters 35, 36, or 37, an individual who has publicly announced his intention to seek nomination or election to public office by write-in vote and who has received a contribution or made an expenditure or has given an authorization to another person to receive a contribution or make an expenditure for the purpose of supporting his nomination or election.

(3) (a) "Contribution" means:

(i) an advance, gift, loan, conveyance, deposit, payment, or distribution of money or anything of value to influence an election;

(ii) a transfer of funds between political committees;

(iii) the payment by a person other than a candidate or political committee of compensation for the personal services of another person that are rendered to a candidate or political committee.

(b) "Contribution" does not mean:

(i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee or meals and lodging provided by individuals in their private residence for a candidate or other individual;

(ii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation;

(iii) the cost of any communication by any membership organization or corporation to its members or stockholders or employees, so long as such organization is not a primary political committee; or

(iv) filing fees paid by the candidate.

(4) "Election" means a general, special, or primary election held pursuant to the requirements of state law, regardless of the time and/or purpose.

(5) "Election administrator" means the county clerk and recorder or the individual designated by a county governing body to be responsible for all election administration duties, except that with regard to school elections, the term means the school district clerk.

(6) "Elector" means an individual qualified and registered to vote under state law.

(7) (a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge, or gift of money or anything of value made for the purpose of influencing the results of an election.

(b) "Expenditure" does not mean:

(i) services, food, or lodging provided in a manner that they are not contributions under subsection (3);

(ii) payments by a candidate for his filing fee or for personal travel expenses, food, clothing, lodging, or personal necessities for himself and his family;

(iii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation; or

(iv) the cost of any communication by any membership organization or corporation to its members or stockholders or employees, so long as such organization is not a primary political committee.

(8) "General election" means an election held for the election of public officers throughout the state at times specified by law, including elections for officers of political subdivisions when the time of the election is set on the same date for all similar political subdivisions in the state.

(9) "Individual" means a human being.

(10) "Issue" or "ballot issue" means a proposal submitted to the people at an election for their approval or rejection, including but not limited to initiatives, referenda, proposed constitutional amendments, recall questions, school levy questions, bond issue questions, or a ballot question. *For the purposes of chapters 35, 36, and 37, an issue becomes a "ballot issue" upon certification by the proper official that the legal procedure necessary for its qualification and placement upon the ballot has been completed, except that a statewide issue becomes an "issue" upon approval by the secretary of state of the form of the petition or referral.*

(11) "Person" means an individual, corporation, association, firm, partnership, cooperative, committee, club, union, or other organization or group of individuals or a candidate as defined in subsection (2) of this section.

(12) "Political committee" means a combination of two or more individuals or a person other than an individual who makes a contribution or expenditure:

(a) to support or oppose a candidate or a committee organized to support or oppose a candidate or a petition for nomination; or

(b) to support or oppose a ballot issue or a committee organized to support or oppose a ballot issue; or

(c) as an earmarked contribution.

(13) "Political subdivision" means a county, consolidated municipal-county government, municipality, special district, or any other unit of government, except school districts, having authority to hold an election for officers or on a ballot issue.

(14) "Primary" or "primary election" means an election held throughout the state to nominate candidates for public office at times specified by law, including nominations of candidates for offices of political subdivisions when the time for such nominations is set on the same date for all similar subdivisions in the state.

(15) "Public office" means a state, county, municipal, school, or other district office that is filled by the people at an election.

(16) "Registrar" means the county election administrator and any regularly appointed deputy or assistant election administrator.

(17) "Special election" means an election other than a statutorily scheduled primary or general election held at any time for any purpose provided by law. It may be held in conjunction with a statutorily scheduled election.

(18) "Voting machine or device" means any equipment used to record, tabulate, or in any manner process the vote of an elector."

Section 2. Section 13-1-103, MCA, is amended to read:

"13-1-103. Determination of winner. The *individual* receiving the highest number of votes for any office at an election is elected or nominated to that office."

Section 3. **Times for holding primary elections.** (1) On the first Tuesday after the first Monday in June preceding the general election provided for in 13-1-104(1), a primary election shall be held throughout the state.

(2) On the Tuesday following the second Monday in September preceding the general election provided for in 13-1-104(2), a primary election, if required, shall be held throughout the state.

Section 4. Section 13-1-104, MCA, is amended to read:

"13-1-104. Times for holding general elections. (1) A general election shall be held throughout the state in every even-numbered year on the first Tuesday after the first Monday of November to elect federal officers, state or multicounty district officers, members of the legislature, judges of the district court, and county officers when the terms of such offices will expire before the next scheduled election for the offices or when one of the offices must be filled for an unexpired term as provided by law.

(2) A general election shall be held throughout the state in every odd-numbered year on the first Tuesday after the first Monday in November to elect municipal officers, officers of political subdivisions wholly within one county, and any other officers specified by law for election in odd-numbered years when the term for the offices will expire before the next scheduled election for the offices or when one of the offices must be filled for an unexpired term as provided by law.

(3) The general election for any political subdivision required to hold elections annually shall be held with the general election provided for in subsections (1) and (2). If a primary election is necessary, it shall be held at the same time as the primary provided for the regular general election for that year."

Section 5. Section 13-1-106, MCA, is amended to read:

"13-1-106. Time of opening and closing of polls for all elections. Polls must be open from 8 a.m. to 8 p.m., except polling places having fewer than 100 registered electors, which must be open from noon to 8 p.m. or until all registered electors in any precinct have voted, at which time the polls shall be closed immediately."

Section 6. **Notice of special elections.** Notice of any special election shall be published at least once a week for the 3 successive weeks before the election on radio or television as provided in 2-3-105 through 2-3-107 or in a newspaper of general circulation in the jurisdiction where the election will be held.

Section 7. Section 13-1-112, MCA, is amended to read:

"13-1-112. Rules for determining residence. For registration or voting, the residence of any *individual* shall be determined by the following rules as far as they are applicable:

(1) The residence of *an individual* is where his habitation is fixed and to which, whenever he is absent, he has the intention of returning.

(2) *An individual* may not gain or lose a residence while kept involuntarily at any public institution, not necessarily at public expense; as a result of being confined in any public prison; or solely as a result of residing on a military reservation.

(3) *An individual* in the armed forces of the United States may not become a resident solely as a result of being stationed at a military facility in the state. *An individual* may not acquire a residence solely as a result of being employed or stationed at a training or other transient camp maintained by the United States within the state.

(4) *An individual* does not lose his residence if he goes into another state or other district of this state for temporary purposes with the intention of returning unless he exercises the election franchise in the other state or district.

(5) *An individual* may not gain a residence in a county if he comes in for temporary purposes without the intention of making that county his home.

(6) If *an individual* moves to another state with the intention of making it his residence, he loses his residence in this state.

(7) The place where *an individual's* family resides is presumed to be that *individual's* place of residence. However, *an individual* who takes up or continues a residence at a place other than where his family resides with the intention of remaining is a resident of the place where he resides.

(8) A change of residence can be made only by the act of removal joined with intent to remain in another place."

Section 8. Section 13-1-113, MCA, is amended to read:

"13-1-113. Only one residence. There can be only one residence."

Section 9. Section 13-1-114, MCA, is amended to read:

"13-1-114. Computation of elector's age and term of residence. *An elector's age and the term of his residence* must be computed by including the day of election."

Section 10. Section 13-1-122, MCA, is amended to read:

"13-1-122. Ballot form and content. The ballot submitting the question to the people shall contain the following:

Article XIV, sections 3 and 4, of the Montana constitution *requires* the question of holding an unlimited constitutional convention to be submitted to the people at the general election in each 20th year following its last submission. If a majority of those voting on the question answer in the affirmative, the legislature shall provide for the calling thereof at its next session.

☐ FOR CALLING A CONSTITUTIONAL CONVENTION

☐ AGAINST CALLING A CONSTITUTIONAL CONVENTION"

Section 11. **Chief election officer.** The secretary of state is the chief election officer of this state, and it is his responsibility to obtain and maintain uniformity in the application, operation, and interpretation of the election laws other than those in chapters 35, 36, or 37 of this title.

Section 12. **Forms and rules prescribed by chief election officer.** (1) In carrying out his responsibilities under 13-1-201, the secretary of state shall prepare and deliver to the election administrators:

(a) written directives and instructions relating to and based on the election laws;

(b) sample copies of prescribed and suggested forms; and

(c) advisory opinions on the effect of election laws other than those laws in chapters 35, 36, or 37 of this title.

(2) The secretary of state may prescribe the design of any election form required by law. He must seek the advice of election administrators and printers in designing the required forms.

(3) Each election administrator shall comply with the directives and instructions and shall provide election forms prepared as prescribed.

Section 13. **Chief election officer to advise, assist, and train.** The secretary of state shall advise and assist election administrators with regard to application, operation, and interpretation of Title 13, except for chapters 35, 36, or 37. He shall hold at least one workshop each year to provide training and assistance to election administrators. Election administrators shall be reimbursed, from funds appropriated to the secretary of state, for their mileage and expenses for attending the workshops at the rates set for mileage and expenses for county officials as provided for in 2-18-501 through 2-18-503. At the discretion of the secretary of state and within the budget limits allowed for workshops, such workshops may be held in several sessions at separate locations in the state.

Section 14. **Election administrator.** (1) The county clerk and recorder of each county is the election administrator unless the governing body of the county designates another official or appoints an election administrator.

(2) The election administrator is responsible for the administration of all procedures relating to registration of electors and conduct of elections and shall keep all records relating to elector registration and elections.

Section 15. **Election records open to public.** Unless specifically provided otherwise, all records pertaining to elector registration and elections are public records. They shall be open for inspection during regular office hours.

Section 16. **Election costs.** (1) Unless specifically provided otherwise, all costs of the primary and general elections regularly scheduled for even-numbered years shall be paid by the counties.

(2) Costs of the primary and general elections regularly scheduled for odd-numbered years shall be paid by the counties and other political subdivisions for which the elections are held. Each political subdivision shall bear its proportionate share of the costs as determined by the county governing body.

(3) A political subdivision holding an annual election with a regularly scheduled election shall bear its proportionate share of the costs as determined by the county governing body.

(4) The political subdivision for which a special election is held shall bear all costs of the election, or its proportionate share as determined by the county governing body if held in conjunction with any other election.

(5) Costs of elections may not include the services of the election administrator or capital expenditures.

(6) The county governing body shall set a schedule of fees for services provided to school districts by the election administrator.

(7) Election costs shall be paid from county funds, and any shares paid by other political subdivisions shall be credited to the fund from which the costs were paid.

Section 17. Disposition of ballots and other election materials.

(1) The voted ballots, detached stubs, unvoted ballots, and unused ballots from an election shall be kept in the unopened packages received from the election judges for a period of 12 months. Such packages may be opened only when an order for opening is given by the proper official for a recount procedure. After 12 months, if there is no contest begun, recount pending, or appeal of a decision relating to a contest or recount, an election administrator may destroy the ballots without opening the packages.

(2) The secretary of state, in consultation with the state records committee, shall prepare a suggested plan for retention and destruction of all other election records. Each election administrator shall prepare a plan for retention and destruction of election records in the county and shall submit it to the secretary of state for approval. After approval of such a plan, records may be destroyed as provided in the plan.

Section 18. Election records to be kept by secretary of state.

(1) The secretary of state shall maintain current and accurate records including:

- (a) a list of all precincts in each county;
- (b) a map showing the boundaries of all precincts in each county;
- (c) a count of the number of registered voters in each precinct for the latest general election;
- (d) a list of legislative districts, judicial districts, and any multicounty election districts, showing the precinct numbers of each county contained in each district and the number of registered voters in each district for the latest general election;
- (e) a count of votes cast at the latest general election by precinct; by municipality; and by legislative, judicial, and multicounty districts.

(2) Each election administrator shall provide the information and map for the record required in subsection (1) in the form and at the time prescribed by the secretary of state.

(3) The records required in subsection (1) and all records in the secretary of state's office pertaining to elections shall be open for public inspection during normal office hours.

Section 19. Section 13-2-102, MCA, is amended to read:

"13-2-102. Deputy registrars. (1) *A notary public who fulfills the requirements of subsection (4) may be a deputy registrar in the county in which he resides.*

(2) (a) *The governing body of each county shall appoint at least two deputy registrars for each precinct in the county before March 15 of each even-numbered year.*

(b) *The number of appointed deputy registrars shall be equally divided between the political parties meeting the requirements of 13-10-601 unless one or more of the parties fail to submit the list required in subsection (3) or submit an incomplete list. A political party which qualifies under 13-10-501 may request the appointment of deputy registrars and shall submit a list for such appointments within 30 days of such qualification.*

(c) *An appointed deputy registrar must be a resident elector in the precinct for which appointed but may register electors in all precincts in the county.*

(3) *Deputy registrars shall be appointed from lists of individuals recommended by the qualified political parties, submitted by February 1 of even-numbered years. If no lists are submitted by political parties, the governing body may appoint two deputy registrars for each precinct without party recommendations.*

(4) *Each election administrator shall provide training to all deputy registrars in registration procedures and shall issue a certificate to each deputy registrar on successful completion of the training. A deputy registrar may not register voters without a current certificate. All certificates expire on March 15 of each even-numbered year.*

(5) *Deputy registrars shall forward all completed cards to the county registrar within 3 days. Registration cards properly executed before a deputy registrar prior to the close of registration shall be accepted for 3 days after the close of registration."*

Section 20. Section 13-2-112, MCA, is amended to read:

"13-2-112. Register of electors to be kept. *Each election administrator shall keep an official register of electors in the manner he considers most efficient. The original signed registration form for each elector shall be filed alphabetically in a separate file for each precinct. Additional files and records may be established for convenience. The information recorded in the official register of electors and the design of the registration forms shall be prescribed by the secretary of state."*

Section 21. Section 13-2-114, MCA, is amended to read:

"13-2-114. Registration numbers to be assigned. (1) *The registration form for each elector shall be assigned a number by the election administrator, using a system of numbering that best accommodates the filing system and list preparation method used. The election administrator may adopt the use of the elector's social security number as the registration number. If social security numbers are used, they may not be printed on lists of registered voters or released as public information.*

(2) *If social security numbers are used as the registration number, the election administrator may assign an alternative number for any elector who does not have a social security number or who declines to provide the number. A system of assigning alternative numbers shall be developed in consultation with the secretary of state."*

Section 22. Section 13-2-115, MCA, is amended to read:

"13-2-115. Registration lists to be prepared. (1) *Immediately after registration is closed, the election administrator shall prepare and have printed lists of all registered electors in each precinct. Names of electors shall be listed alphabetically, with their residence address or mailing address if located where street numbers are not used. A preliminary list of registered electors may be printed before the close of registration for an election. If a preliminary list is printed, a supplementary list must be printed after the close of registration.*

(2) *A copy of the list of registered voters shall be displayed at the polling place. Extra copies of the lists shall be retained by the election administrator and furnished to an elector upon request.*

(3) *The list of registered electors prepared for a primary election may be used for the general election if a supplemental list giving the additions and deletions since the primary list was prepared is printed. The election administrator may prepare lists for a special election, but lists are not required to be printed for special elections."*

Section 23. Section 13-2-116, MCA, is amended to read:

"13-2-116. Precinct register. (1) *Before each election, the election administrator shall prepare a precinct register for each precinct for use by the election judges. The register must contain an alphabetical list of the names, with addresses, of the registered electors, a space for the signature of the elector, and such other information as prescribed by the secretary of state.*

(2) *If some of the electors in a precinct are not eligible to receive all ballots at an election because of a combination of the elections of more than one political subdivision, the election administrator shall distinguish the names of those eligible for each ballot by whatever method will be clear and efficient.*

(3) *When several precincts have been combined at one polling place for an election, the election administrator may combine the electors from all precincts into one register or may provide separate registers for each precinct."*

Section 24. Section 13-2-117, MCA, is amended to read:

"13-2-117. County governing body to provide election administrator with sufficient help. *The county governing body must provide the election administrator with sufficient help for the duties imposed by this title. The cost of stationery, printing, publishing, and posting is a proper charge against the county."*

Section 25. **Duties of officials when election not held.** *If a scheduled election is not necessary or is cancelled for any reason, the governing body or official making the determination shall immediately notify the election administrator in writing. If the election is not necessary because of the number of candidates filed, the election administrator shall make the determination and notify the proper governing body. Lists of registered voters and precinct registers need not be printed if the election will not be held.*

Section 26. Section 13-2-201, MCA, is amended to read:

"13-2-201. Hours of registration. *The election administrator's office shall be open for registration of electors from 8 a.m. until 5 p.m. on all regular working days. The office may be kept open for the registration of electors at other times at the discretion of the election administrator."*

Section 27. Section 13-2-202, MCA, is amended to read:

"13-2-202. Registration by personal appearance. *An elector may register by appearing before the registrar or a deputy registrar in the county in which he resides and:*

(1) *answering any questions asked by the official concerning items of information called for in the registration form;*

(2) *signing and verifying or affirming the affidavit or affidavits on the form."*

Section 28. Section 13-2-203, MCA, is amended to read:

"13-2-203. Registration by mail. (1) *A qualified individual may register by mailing, postage paid, a properly completed registration form to the election administrator in the county in which he resides.*

(2) *The election administrator shall send registration forms for mail registrations to all qualified individuals requesting them and shall, in addition, arrange for the forms to be widely and conveniently available within the county. The mail registration form shall be designed as prescribed by the secretary of state.*

(3) *The elector shall complete, sign, and either verify or affirm the mail registration form before a notary public or other officer empowered to administer oaths or complete and sign the form and obtain the signature, address, and voting precinct of at least one registered voter in the county who shall witness the facts stated on the registration form.*

(4) *The registration form must be received by the election administrator on or before the day of the close of registration and must be returned*

to the administrator no later than 15 days after the date it is signed by the witness or officer before whom signed."

Section 29. Section 13-2-205, MCA, is amended to read:

"13-2-205. Procedure when prospective elector not qualified at time of registration. *An individual who is not eligible to register because of residence or age requirements but who will be eligible on or before election day may register if it appears that he will become qualified to vote by election day.*"

Section 30. **Notice of registration.** (1) The election administrator shall give or mail to each elector a notice, affirming registration and giving the location of the elector's polling place. Mailed notices must have printed on the address side the words "Do Not Forward, Return Postage Guaranteed".

(2) The election administrator must investigate the reason for the return of any mailed notices and correct the address on the registration form and mail a new notice or cancel the registration of the elector if a diligent effort fails to locate the elector named on the registration form.

Section 31. Section 13-2-212, MCA, is amended to read:

"13-2-212. Registration of electors in the United States service. (1) Any elector in the United States service who is absent from the state and the county of which he is a resident may register by *mailing to the election administrator:*

- (a) the *registration form*, filled out and signed under oath; or
- (b) the federal post card application, filled out and signed under oath.

(2) The form of the federal post card application, which may be used both as an application for registration and for a ballot, shall be prescribed by the secretary of state."

Section 32. Section 13-2-213, MCA, is amended to read:

"13-2-213. Oath for elector in United States service. (1) Any oath required for electors in the United States service may be administered and attested, within or without the United States, by any commissioned officer in active service, any member of the merchant marine of the United States designated for this purpose by the secretary of commerce, the head of any department or agency of the United States, any civilian official empowered by state or federal law to administer oaths, or any civilian employee designated by the head of any department or agency of the United States.

(2) No official seal is required to be affixed to the oath. Neither the elector nor the certifying officer need disclose his whereabouts at the time of taking the oath except to the extent required by the federal post card application."

Section 33. Section 13-2-214, MCA, is amended to read:

"13-2-214. Classification of federal post card application. (1) Upon receipt by the *election administrator* of a federal post card application, properly filled out and signed under oath, the *election administrator* shall classify the application according to the precinct in which the elector resides or, *if the information is insufficient to determine precinct of residence, assign an appropriate precinct.*

(2) The *election administrator* shall, upon receipt of any federal post card application, immediately enter *all information in the registration records of the office and either file the post card application with regular registration forms or file a photocopy attached to a regular registration form on which the information has been entered.*

(3) The *election administrator* shall send to the *applicant* by the fastest mail service available a notice that he has been registered and informing him that in order to secure a ballot he must mail at any time within 75 days preceding the election another federal post card application to the *election administrator.*

(4) A federal post card application received from an elector in the United States service within 75 days preceding an election shall be treated as a simultaneous application for registration and for ballot. Where the elector is already registered, the federal post card application shall be treated as an application for a ballot. *The election administrator may use photocopies of the post card application to complete all necessary records."*

Section 34. Section 13-2-301, MCA, is amended to read:

"13-2-301. Close of registration — procedure. (1) The *election administrator* shall:

- (a) *close registrations for 30 days before any election; and*
- (b) *publish a notice specifying the day registrations will close on radio or television as provided in 2-3-105 through 2-3-107 or in a newspaper of general circulation in the county at least once a week for 3 weeks before the close of registration.*

(2) *Information to be included in the notice shall be prescribed by the secretary of state."*

Section 35. Section 13-2-302, MCA, is amended to read:

"13-2-302. Registration immediately before an election. *An individual may register during the time when registration is closed preceding any election, and the election administrator shall keep his registration form in a separate file until it can be properly entered after the election."*

Section 36. Section 13-2-401, MCA, is amended to read:

"13-2-401. Cancellation of registration for failure to vote — reregistration. (1) Except as provided in subsection (3), within 60 days after every general election in which a president is elected, the *election administrator* shall:

(a) *cancel the registration of the electors who have not voted in each precinct, as shown by the official pollbook and precinct register of each precinct;*

(b) *mark the form of each elector whose registration has been canceled; and*

(c) *place canceled forms for the entire county in alphabetical order in the canceled file.*

(2) An elector whose registration is canceled may reregister in the same manner as if he were registering for the first time.

(3) The registration of an elector who votes by absentee ballot but whose ballot does not arrive in time to be counted may not be canceled if his ballot is received and rejected by the election administrator within 10 days succeeding the election.

(4) When the election administrator has completed cancellation of the electors' registration as provided in this section, a notice of cancellation shall be published on radio or television as provided in 2-3-105 through 2-3-107 or in a newspaper of general circulation in the county once a week for 2 weeks. The notice shall be run in a display advertisement (known as ROP in the trade) if in a newspaper or as an announcement if on radio or television and shall be in a form prescribed by the secretary of state. The names of those electors whose registration has been canceled need not be published."

Section 37. Section 13-2-402, MCA, is amended to read:

"13-2-402. Other reasons for cancellation. The election administrator shall cancel the registration of any elector:

(1) at the written request of the registered elector;

(2) if a certificate of the death of any elector is filed or if an elector is reported as deceased by the department of health and environmental sciences in the department's reports submitted to the county under 72-16-217;

(3) if the elector is of unsound mind as established by a court;

(4) if the incarceration of an elector in a penal institution for a felony conviction is legally established;

(5) if a certified copy of a court order directing the cancellation is filed with the election administrator;

(6) if an elector is successfully challenged and not allowed to vote at an election as provided in 13-13-308; or

(7) if a notice is received from another county or state that the elector has registered in that county or state."

Section 38. Section 13-2-403, MCA, is amended to read:

"13-2-403. Challenge of registration. (1) Forty-five or more days before the close of registration for an election, three registered electors of

a precinct may challenge the registration of an elector by filing affidavits giving the name of the elector whose registration is challenged, the address at which he is registered, and a statement that the affiant has personal knowledge that the elector does not reside at the address where registered.

(2) No later than 3 days after the filing of affidavits as provided in subsection (1), the election administrator must send written notice to the elector whose registration is challenged, at the address shown on the registration form. The notice must state that registration will be cancelled within 15 days of the filing of the affidavits unless the elector refutes the affidavits by submitting proof or a sworn statement that he resides at the address given on his registration form.

(3) The election administrator must cancel the registration of an elector whose registration is challenged under this section 15 days after the filing of the affidavits required in subsection (1) unless proof or a sworn statement as required in subsection (2) is received.

(4) If an elector proves or swears he resides at the address given on his registration form after his registration has been canceled as provided in this section, he may reregister by completing a new registration form. Such registration shall be effective for the next election even though the registration for that election is closed."

Section 39. Section 13-2-404, MCA, is amended to read:

"13-2-404. Challenges prior to election. (1) If an elector believes another elector fails to meet the qualifications required in 13-1-111, he may challenge the right of that elector to vote any time not later than 20 days prior to an election. The challenge must:

(a) be filed with the election administrator and be signed by the elector;

(b) be verified by the affidavit of the elector that the elector designated is not entitled to vote;

(c) state the grounds of the challenge, objection, and disqualification.

(2) The election administrator shall:

(a) file the affidavit of challenge in his office;

(b) deliver a correct copy of the affidavit to the judges of election, together with the precinct register;

(c) write in the precinct register beside the name of any individual whose qualifications are challenged the words "to be challenged";

(d) notify the elector within 5 days by certified or registered mail that his qualifications as an elector have been challenged."

Section 40. Section 13-2-501, MCA, is amended to read:

"13-2-501. Transferring registration or changing name. An elector shall notify the election administrator of a change in residence within the county or a change in name by using a transfer form provided

by the election administrator or by completing the changed information on a registration or mail registration form. The form must be signed and affirmed or verified as required on the form. If a registration or mail registration form is used, it must be clearly marked "for transfer of address" or "for change of name" in a space provided on the form for that purpose."

Section 41. **Right to vote when precinct or name changed.** (1) An elector who has changed his residence to a different precinct within the same county and has failed to notify the election administrator of the change by a transfer or new registration form may vote in the precinct where he is registered at the first election at which he offers to vote after the change unless his registration has been canceled as provided in [section 30], 13-2-401, or 13-2-402.

(2) An elector still residing in the same precinct where registered whose name has changed and who has failed to notify the election administrator of the change by a new registration form may vote under his former name at the first election at which he offers to vote after the change unless his registration has been canceled as provided in [section 30], 13-2-401, or 13-2-402.

(3) The elector must state his correct residence address and name when offering to vote and must complete a transfer form or new registration form to make the necessary correction before being allowed to sign the precinct register and vote.

Section 42. Section 13-2-502, MCA, is amended to read:

"13-2-502. Procedure for transferring registration. *The election administrator shall make the necessary corrections in the registration records in his office when he receives a transfer form or corrected registration form if he is satisfied the form is valid. The original registration form may be fastened to the back of the new form, in which case the original and current forms must be retained, or the original registration form may be marked "canceled" and filed in a canceled file.*"

Section 43. **Change of residence to another county.** (1) An elector who changes his residence to a different county within this state must register in his new county of residence in order to vote in any election unless the change occurs less than 45 days before the election.

(2) An elector who changes his residence to a different county 45 days or less before an election may vote in person or by absentee ballot in the precinct and county where previously registered.

(3) The elector must state his correct name and residence address and date of residence change when offering to vote or when applying for an absentee ballot. The election administrator shall note the information on the elector's registration form if an absentee ballot application is received. The election judges shall note the change of address and date of residence change in the precinct register if the elector votes in person.

(4) The registration of an elector who votes under the provisions of subsection (2) of this section shall be canceled after the election.

Section 44. Section 13-2-503, MCA, is amended to read:

"13-2-503. Inquiry as to previous registration — notices of changes. (1) *The election administrator shall check each new registration to ascertain whether the elector has listed previous registration in another county of this state or another state. If the elector has been previously registered, the election administrator shall enter his name on a notice or may photocopy the registration form.*

(2) *At least once a week and not more than 3 days after the close of registration, the election administrator shall forward the notices or photocopies for counties in this state to the election administrator of the county where the elector was previously registered. A list or other record shall be kept of notices or photocopies sent.*

(3) *Once a month and not more than 3 days after the close of registration, the election administrator shall forward the notices or photocopies for other states to the secretary of state or chief election official of the state where the elector was previously registered. A list or other record shall be kept of notices or photocopies sent."*

Section 45. Section 13-2-601, MCA, is amended to read:

"13-2-601. Name on precinct register prima facie evidence of right to vote. *An elector may not vote at an election mentioned in this title unless his name appears on election day in the copy of the official precinct register furnished by the election administrator to the election judges. The fact that his name appears in the copy of the precinct register is prima facie evidence of his right to vote."*

Section 46. Section 13-2-603, MCA, is amended to read:

"13-2-603. Erroneous omission of name from precinct register. (1) *An elector whose name is erroneously omitted from a precinct register or other election register may secure from the election administrator a certificate of the error, stating the precinct in which he is entitled to vote, and present the certificate which will entitle him to vote to the election judges.*

(2) *The certificate shall be marked "voted" by the election judges and returned by them with the precinct register.*

(3) *If the elector's polling place is not located in the city where the election administrator's office is located, the elector may vote by signing an oath that his name was erroneously omitted if the election administrator can confirm such omission by telephone to the chief election judge of the precinct."*

Section 47. Section 13-3-101, MCA, is amended to read:

"13-3-101. Establishment of election precincts. (1) *The territorial unit for elections is the election precinct. All election precincts shall be designated by numbers, names, or both.*

(2) *The governing body of each county shall establish a convenient number of election precincts, equalizing the number of electors in each precinct as nearly as possible."*

Section 48. Section 13-3-102, MCA, is amended to read:

"13-3-102. Change of precinct boundaries. (1) *The county governing body may change the boundaries of precincts, but not within 100 days before any primary or between a general election and the primary for that election. When the changes are required to make precinct boundaries conform to legislative district boundaries following the adoption of a districting and apportionment plan under Article V, section 14, of the 1972 Montana constitution or other district boundaries changed by the districting and apportionment plan, the changing of precinct boundaries must be accomplished within 45 days of the filing of the final plan.*

(2) All changes must be certified to the election administrator 3 days or less after the change is made.

(3) *The officials responsible for preparing a districting and apportionment plan shall consider the problems of conforming present precinct boundaries to the new districts as well as existing boundaries of wards, school districts, and other districts. The election administrator of counties involved in the plan shall be consulted before adoption of the final plan."*

Section 49. Section 13-3-103, MCA, is amended to read:

"13-3-103. Certification of boundary changes. (1) Not more than 10 days after an order of the governing body has established or changed the boundaries of an election precinct, the governing body shall cause to be prepared and delivered to the election administrator a written legal description and a map showing the borders of all precincts and districts in which elections are held within the county.

(2) Not more than 10 days after school district or other election district boundaries have been changed, the governing body making the change shall certify any changes or alterations in the boundaries to the election administrator and deliver a written legal description and a map showing boundaries of the wards, school districts, or other election districts. The map must be sufficiently detailed to clearly identify the wards or districts and the territory included in each."

Section 50. Section 13-3-104, MCA, is amended to read:

"13-3-104. Precincts, wards, and election districts. (1) A ward or election district may be divided into two or more precincts, and a precinct may be divided into two or more polling places.

(2) *Precincts may include two or more adjoining wards or election districts, together with contiguous territory lying outside the municipality or district, if provision can be made for clearly identifying the electors eligible to vote in each ward or district."*

Section 51. Section 13-3-105, MCA, is amended to read:

"13-3-105. Designation of polling place. (1) The county governing body shall designate the polling place for each precinct no later than 30 days before a primary election. The same polling place shall be used for both the primary and general election if at all possible. Changes may

be made by the governing body in designated polling places up to 10 days before an election if a designated polling place is not available. Polling places may be located outside the boundaries of a precinct.

(2) Not more than 10 or less than 2 days before an election, the election administrator shall publish in a newspaper of general circulation in the county, a statement of the locations of the precinct polling places. Notice may also be given as provided in 2-3-105 through 2-3-107.

(3) *An election administrator may make changes in the location of a polling place if an emergency occurs 10 days or less before an election. Notice shall be posted at both the old and new polling places, and other notice may be given by whatever means available."*

Section 52. Section 13-4-101, MCA, is amended to read:

"13-4-101. Appointment of election judges — second board of election judges. (1) *At least 30 days before the primary election in even-numbered years, the county governing body shall appoint 3 or more election judges for each precinct, one of whom shall be designated chief judge.*

(2) *A second board of election judges, designated as a counting board, may be appointed in any precinct if recommended by the election administrator."*

Section 53. **Qualifications of election judges.** (1) Election judges shall be registered electors of the county and of the precinct in which they serve, except as provided in 13-4-102(4).

(2) No election judge may be a candidate or a spouse, ascendent, descendent, brother, or sister of a candidate or a candidate's spouse or the spouse of any of these in an election precinct where the candidate's name appears on the ballot. However, this does not apply to candidates for precinct offices.

Section 54. Section 13-4-102, MCA, is amended to read:

"13-4-102. Manner of choosing election judges. (1) *Election judges shall be chosen from lists of qualified registered electors for each precinct in the county, submitted at least 45 days before the primary election in even-numbered years by the county central committees of the political parties eligible to nominate candidates in the primary.*

(2) *The list of each party may contain more names than the number of election judges to be appointed. The names of those not appointed as election judges shall be given to the election administrator for use in making appointments to fill vacancies.*

(3) *Each board of election judges shall contain judges representing all parties that have submitted lists as provided in subsection (1). No more than a majority may be appointed from the list of one political party in each precinct. If any of the political parties entitled to do so fail to submit a list, the governing body shall, insofar as possible, appoint judges so that all parties eligible to participate in the primary are represented on each board.*

(4) *The election administrator shall make appointments to fill vacancies from the list provided for in subsection (2), or if the list is insufficient, any qualified registered elector from the county may be appointed."*

Section 55. Section 13-4-103, MCA, is amended to read:

"13-4-103. Judges to serve until others appointed. The election judges continue to be judges of all elections held in their precincts until other judges are appointed."

Section 56. Section 13-4-104, MCA, is amended to read:

"13-4-104. Election administrator to notify judges. The election administrator must notify the judges of their appointment and of the time set for instruction sessions."

Section 57. Section 13-4-105, MCA, is amended to read:

"13-4-105. Oath of judges. Before votes are cast, the election judges must take and subscribe the official oath prescribed by the constitution. The election judges may administer the oath to each other."

Section 58. Section 13-4-106, MCA, is amended to read:

"13-4-106. Compensation of judges. (1) Election judges shall be paid at the prevailing federal minimum wage for the number of hours worked during an election plus the number of hours spent at the instruction session. Mileage may be paid to election judges for attending instruction sessions.

(2) *The chief election judge may be reimbursed for the actual expenses of transporting election materials.*

(3) *The election administrator shall certify the amount due each election judge to the county governing body as soon after an election as all records necessary for such certification are received."*

Section 59. Section 13-4-201, MCA, is amended to read:

"13-4-201. Duties of chief election judge. The chief election judge shall be responsible for the conduct of the proceedings in the polling place, shall assign duties to other members of the board of election judges, and shall be responsible for the return of all ballots and election supplies to the election administrator."

Section 60. Section 13-4-202, MCA, is amended to read:

"13-4-202. Administration of oaths. Any election judge may administer and certify oaths required during an election."

Section 61. Section 13-4-203, MCA, is amended to read:

"13-4-203. Instruction of judges — training materials. (1) Before each election, all election judges who do not possess a current certificate of instruction shall be instructed by the election administrator. In precincts where voting machines or devices are used, instructions shall cover both machines or devices and paper ballots.

(2) *Chief judges may be required to attend the training session before each election, as well as a special session that may be held for chief judges only.*

(3) *Any individual willing to be appointed an election judge may attend an instruction session by registering with the election administrator. Such individuals may not be paid for attendance unless they are appointed election judges.*

(4) *The secretary of state shall prepare and distribute training materials for election judges. The materials shall include instructions on the use of all machines or devices approved for use in this state, as well as paper ballots. Enough copies of the materials to supply all election judges in the county and provide a small extra supply shall be sent to each election administrator. The secretary of state shall hold at least one workshop every 2 years to instruct election administrators and their staffs in use of the materials. Workshops may be held in various locations around the state. Costs of the materials and workshops shall be paid by the secretary of state.*

(5) *Each election judge completing a training session shall be given a certificate of completion. No individual may serve as an election judge without a valid certificate. However, this does not apply to individuals filling vacancies in emergencies.*

(6) *All certificates of completion expire 30 days before the primary election in even-numbered years.*

(7) *Notice of place and time of instruction must be given by the election administrator to the county chairmen of the political parties."*

Section 62. **Judges to remain at polls — emergency provisions.**

(1) Election judges may not leave the premises on which the polling place is located during the hours they are assigned to work unless permission to leave is given by the chief election judge for that precinct. Permission may be granted only for illness or a family emergency.

(2) A chief election judge must obtain the permission of the election administrator to leave the polling place premises because of illness or an emergency. If the chief judge is excused, the election administrator shall appoint one of the other judges to act as chief election judge.

(3) The time of departure and reason for leaving shall be entered near the oath form subscribed by the election judge or on a form provided by the election administrator. The chief election judge shall sign the entry.

(4) The election administrator may appoint a judge to replace an excused judge.

Section 63. Section 13-10-201, MCA, is amended to read:

"13-10-201. Declaration for nomination. (1) Each candidate in the primary election, except nonpartisan candidates filing under the provisions of chapter 14, shall send a declaration for nomination to the secretary of state or election administrator. Each candidate for governor

shall send a joint declaration for nomination with a candidate for lieutenant governor.

(2) A declaration for nomination shall be filed in the office of:

(a) the secretary of state for a congressional office, state or district office to be voted for in more than one county, member of the legislature, or judge of the district court;

(b) the election administrator for a county, municipal, precinct, or district office (other than a member of the legislature or judge of the district court) to be voted for in only one county.

(3) Each candidate shall sign the declaration and send with it the required filing fee or, in the case of an indigent candidate, send with it the documents required by 13-10-203. The declaration for nomination shall be acknowledged by an officer empowered to acknowledge signatures if sent by mail or by the officer of the office at which the filing is made.

(4) The declaration, when filed, is conclusive evidence that the elector is a candidate for nomination by his party.

(5) The declaration for nomination shall be in the form and contain the information prescribed by the secretary of state. The secretary of state and election administrator shall furnish declaration for nomination forms to individuals requesting them.

(6) Declarations for nomination shall be filed no sooner than the first business day in January of an election year for that office and no later than 5 p.m., 50 days before the date of the primary election."

Section 64. Section 13-10-202, MCA, is amended to read:

"13-10-202. Filing fees. Filing fees are as follows:

(1) for offices having an annual salary of \$2,500 or less and candidates for the legislature, \$15;

(2) for county offices having an annual salary of more than \$2,500, .5% of the total annual salary;

(3) for other offices having an annual salary of more than \$2,500, 1% of the total annual salary;

(4) for offices in which compensation is paid in fees, \$10;

(5) for officers of political parties, presidential electors, and officers who receive no salary or fees, no filing fee is required."

Section 65. Section 13-10-203, MCA, is amended to read:

"13-10-203. Indigent candidates. If an individual is unable to pay a filing fee, the filing officer shall accept the following documents in lieu of a filing fee:

(1) from a successful write-in candidate, a verified statement that he is unable to pay the filing fee;

(2) from a candidate for nomination, a verified statement that he is unable to pay the filing fee and a written petition for nomination as a candidate that meets the following requirements:

(a) contains the name of the office to be filled and the candidate's name and residence address;

(b) contains signatures numbering 5% or more of the total vote cast for the successful candidate for the same office at the last general election;

(c) the signatures are those of electors residing within the political subdivision of the state in which the candidate petitions for nomination; and

(d) the signatures have been certified by the appropriate election administrator by the procedure provided in 13-27-303 and 13-27-304."

Section 66. Section 13-10-204, MCA, is amended to read:

"13-10-204. Write-in nominations. An individual nominated by having his name written in on the primary ballot and desiring to accept the nomination may not have his name printed on the general election ballot unless he:

(1) files with the secretary of state or election administrator no later than 10 days after the official canvass, a written declaration indicating his acceptance of the nomination;

(2) pays the required filing fee or, if indigent, complies with 13-10-203;

(3) received at least 5% of the total votes cast for the successful candidate for the same office at the last general election; and

(4) complies with the provisions of 13-37-126."

Section 67. Section 13-10-205, MCA, is amended to read:

"13-10-205. Register of candidates. The secretary of state and the election administrator shall each keep a register of candidates who file with their respective offices. The register shall provide a complete record of the requisite information pertaining to all candidates in the primary and general election. Information on ballot issues may also be included in the register. The secretary of state shall prepare and distribute a recommended format for the register."

Section 68. Section 13-10-208, MCA, is amended to read:

"13-10-208. Certificate of primary ballot — printing ballot. (1) Not more than 50 days and not less than 42 days before the date of the primary election, the secretary of state shall certify to the election administrators the names and designations of candidates, except as provided in 13-37-126, and any ballot issues as shown in the official records of his office in the manner provided in 13-10-209 and chapter 12, part 2, of this title.

(2) Not more than 40 days and not less than 30 days before the date of the primary election, the election administrator shall certify the names and designations of candidates, except as provided in 13-37-126, and any

ballot issues as shown in the official record of his office and have the official ballots printed in the manner provided in 13-10-209 and chapter 12, part 2, of this title."

Section 69. Section 13-10-209, MCA, is amended to read:

"13-10-209. Arrangement of ballots. (1) Ballots for a primary election shall be arranged and printed in the same manner and number as provided in chapter 12 for general election ballots, except there shall be separate ballots for each political party entitled to participate and separate nonpartisan and ballot issue ballots if necessary. The name of the political party shall be printed at the top of the separate ballot for that party and need not be printed opposite each candidate's name.

(2) It is not necessary to print a primary ballot for a political party which does not have candidates for more than half of the offices on the ballot in even-year elections if no more than one candidate files for nomination by that party for any of the offices on the ballot. The secretary of state shall certify that no primary election is necessary for that party if such is the case and shall certify or instruct the election administrator to certify the names of the candidates for that party for the general election ballot only.

(3) The separate ballots for each party shall be the same size and color. The stubs of each set of party ballots shall bear the same number. The nonpartisan ballot shall be a different size or color than the party ballots, but the stubs shall be numbered in the same order as the party ballots.

(4) If a ballot issue is to be voted on at a primary election, it may be placed on the nonpartisan ballot or a separate ballot. A separate ballot may be a different size and color than the other ballots in the election, but the stubs shall be numbered in the same order.

(5) Each elector shall receive a set of party ballots and a nonpartisan and a ballot issue ballot if such ballots are printed."

Section 70. Section 13-10-301, MCA, is amended to read:

"13-10-301. Casting of ballot. (1) Unless otherwise provided by law, the conduct of the primary election, the voting procedure, the counting, tallying, and return of ballots and all election records and supplies, the canvass of votes, the certification and notification of nominees, recounts, procedures upon tie votes, and any other necessary election procedures shall be at the same times and in the same manner as provided for in the laws for the general election.

(2) At a primary election, the elector shall mark only one of the set of party ballots. After marking any other ballots received other than the party ballots, the elector shall fold the marked and unmarked ballots separately in a manner so that the marks cannot be seen, the official stamp is visible on each ballot, and all stubs can be detached by an election judge.

(3) The elector shall hand the marked and unmarked ballots separately to the election judge, identifying them as marked and unmarked.

If the judge determines the ballots may be voted, he shall, in the presence of the elector:

(a) remove the stubs from all the ballots;

(b) deposit the unmarked ballot or ballots and all the stubs in the stub and unmarked ballot box;

(c) and deposit the marked ballots in the voted ballot box."

Section 71. Section 13-10-302, MCA, is amended to read:

"13-10-302. Write-in votes for previously nominated candidates. If an elector writes the name of an individual upon a primary party ballot when the individual's name appears as a candidate for the same office on another party ballot, the vote shall count for the individual only as a candidate of the party upon whose ballot his name is written and the votes cast on the separate party ballots may not be added together."

Section 72. Section 13-10-303, MCA, is amended to read:

"13-10-303. Nominations by more than one party. If an individual is nominated by more than one party, he shall, not later than 10 days after the election, file written notification with the secretary of state or election administrator indicating the party under which his name is to appear upon the ballot for the general election. If he fails to notify the proper officers, his name shall appear under the party with whom his declaration for nomination was filed if a declaration was filed. If an individual did not file a declaration or acceptance of nomination and fails to notify the proper officers, his name shall be printed on the ballot without a party designation."

Section 73. Section 13-10-305, MCA, is amended to read:

"13-10-305. Independent forfeits place on ballot. An individual who has filed as an independent candidate forfeits his place on the general election ballot as an independent candidate if he accepts a write-in nomination for an office as provided in 13-10-204."

Section 74. Section 13-10-311, MCA, is amended to read:

"13-10-311. Election judges' duties upon closing of polls. (1) The election judges at the primary election shall separate the ballots for each political party and count each party's ballots separately.

(2) They shall reconcile the total number of party ballots and the separate total number of other ballots used at the election with the number of electors voting. Any discrepancies in the reconciliations shall be handled as provided in 13-15-201(3).

(3) Each party's candidates shall be listed separately in the tally books.

(4) The voted ballots of each party shall be bundled separately for return to the election administrator. The unvoted ballots deposited in the stub box shall be bundled with the stubs."

Section 75. Section 13-10-325, MCA, is amended to read:

"13-10-325. Withdrawal from nomination. (1) A candidate for nomination or candidate for election to an office may withdraw from the election by sending a statement of withdrawal to the officer with whom his declaration, petition, or acceptance of nomination was filed. The statement must contain all information necessary to identify the candidate and the office sought and the reason for withdrawal. It shall be sworn or affirmed before an officer empowered to administer oaths. A candidate may not withdraw later than 30 days before an election.

(2) Filing fees paid by the candidate may not be refunded."

Section 76. Section 13-10-326, MCA, is amended to read:

"13-10-326. Vacancy prior to primary election. (1) If a candidate for nomination for a partisan office dies or withdraws 40 days or more before the primary election, the affected political party may appoint someone to replace the candidate by the procedure provided in 13-10-327.

(2) If the death or withdrawal occurs less than 40 days before the primary, the affected political party shall appoint a candidate after the primary as provided in 13-10-327 if a candidate for that office for that party was not nominated at the primary election. This section does not allow a political party to appoint a candidate for an office if no candidate for nomination by that party filed for the office before the primary election."

Section 77. Section 13-10-327, MCA, is amended to read:

"13-10-327. Vacancy after primary and prior to general election. (1) If a party candidate dies or withdraws after the primary and before the general election, the affected political party shall appoint someone to replace the candidate in one of the following ways:

(a) For offices to be filled by the state at large, the state central committee shall make the appointment as provided by the rules of the party.

(b) For offices to be filled in districts including more than one county, a committee appointed by the county central committees of all counties in the district shall make the appointment. Procedures for the appointment of the committee and making the appointment shall be provided in party rules.

(c) For offices to be filled in counties, municipalities, or districts wholly within a county, the appointment shall be made under rules adopted by the county central committee.

(2) Appointments to fill vacancies must be made no later than 40 days before the election. A candidate may not officially withdraw 50 days or less before a general election. However, if a candidate for partisan office dies less than 40 days before the general election, the affected political party shall appoint a candidate within 5 days after being notified of the vacancy. The procedures provided in 13-12-204 shall be used to place the name of the appointee on the ballot if necessary.

(3) The appointing committee shall send a certificate to the officer with whom a declaration for nomination for the office would be filed,

with the information required on a declaration for nomination and the name of the candidate for whom the appointee is to be substituted. The appointee shall send a signed and acknowledged acceptance of the appointment and the filing fee for the office.

(4) The officer receiving the certificate of appointment, accompanied by a statement of acceptance and the filing fee, shall certify the name of the appointee for the ballot."

Section 78. Section 13-10-328, MCA, is amended to read:

"13-10-328. Vacancy in governor or lieutenant governor candidacy. The death or withdrawal of a candidate for governor or lieutenant governor does not affect the candidacy of the other joint candidate."

Section 79. Section 13-10-401, MCA, is amended to read:

"13-10-401. Date of presidential primary. In the years in which a president of the United States is to be elected, a presidential preference primary election will be held on the same day as the primary provided for in [section 3]."

Section 80. Section 13-10-402, MCA, is amended to read:

"13-10-402. Ballot. The regular party primary ballots shall be used for the presidential preference primary election. The presidential section of the ballot shall be placed before any other section, national, state, or local."

Section 81. Section 13-10-403, MCA, is amended to read:

"13-10-403. Form of ballot. The presidential preference ballot shall list all candidates nominated in accordance with the provisions of this part and shall, in addition, include a presidential ballot position which shall be designated as "no preference" and a blank write-in space."

Section 82. Section 13-10-405, MCA, is amended to read:

"13-10-405. Submission and verification of petition. Petitions of nomination for the presidential preference primary election must be presented to the election administrator of the county in which the signatures are gathered. The election administrator must verify the signatures in the manner prescribed in 13-27-303 through 13-27-308 and must forward the petitions to the secretary of state. The petitions must be submitted to the election administrator at least 30 days before the filing deadline established in 13-10-201(6). No filing fee is required."

Section 83. Section 13-10-501, MCA, is amended to read:

"13-10-501. Petition for nomination by independent candidates or political parties not eligible to participate in primary election. (1) Except as provided in 13-10-504, nominations for public office by an independent candidate or a political party which does not meet the requirements of 13-10-601 may be made by a petition for nomination.

(2) The petition must contain the same information and the oath of the candidate required for a declaration for nomination.

(3) *If a petition is filed by a political party, it must contain the party name and, in five words or less, the principle which such body represents.*

(4) *The form of the petition shall be prescribed by the secretary of state, and he shall furnish sample copies to the election administrators and on request to any individual.*

(5) *Each sheet of a petition must contain signatures of electors residing in only one county."*

Section 84. Section 13-10-502, MCA, is amended to read:

"13-10-502. Signature requirements for petition. (1) *The petition for nomination must be signed by electors residing within the state and district or political subdivision in which the officer or officers are to be elected. Each signature line must contain spaces for the signature, post-office address, and printed last name of the signer.*

(2) *The number of signatures must be 5% or more of the total vote cast for the successful candidate for the same office at the last general election.*

(3) *If the office sought is a new office or the boundaries of the district or political subdivision in which the election is to be held have changed since the last election for the office, the secretary of state shall determine the number of signatures required for a petition of nomination for that office."*

Section 85. Section 13-10-503, MCA, is amended to read:

"13-10-503. Filing deadlines. (1) *A petition for nomination, accompanied by the required filing fee, shall be filed with the same officer with whom other nominations for the office sought are filed. Petitions to be filed with the secretary of state must first be submitted, at least 1 week before the deadline for filing, to the election administrator in the county where the signer resides for verification and certification by the procedures provided in 13-27-303 through 13-27-306.*

(2) *Except as provided in 13-10-504, each petition shall be filed on or before the filing deadline for the primary election or for the special or general election if no primary election is scheduled."*

Section 86. Section 13-10-504, MCA, is amended to read:

"13-10-504. Independent or minor party candidates for president or vice president. (1) *An individual who desires to run for president or vice president as an independent candidate or as a candidate of a party not qualified under 13-10-601 must file a petition for nomination with the secretary of state 90 days prior to the date of the general election.*

(2) *The petition must first be submitted, at least 1 week before the deadline for filing, to the election administrator in the county where the signer resides for verification and certification by the procedures provided in 13-27-303 through 13-27-306.*

(3) *The petition must have the signatures of electors equal to 5% or more of the total votes cast for the successful candidate for governor at*

the last general election. The names of the candidates for the required number of presidential electors allowable to Montana shall be certified to the secretary of state when the petition for nomination is filed."

Section 87. Section 13-10-505, MCA, is amended to read:

"13-10-505. Applicability. *The provisions of sections 13-10-501 through 13-10-504 shall not be used to fill vacancies or to nominate candidates in nonpartisan elections except as provided in [section 210]."*

Section 88. Section 13-10-601, MCA, is amended to read:

"13-10-601. Parties eligible for primary election. *Every political party that had a candidate for a statewide office who received a total vote that was 5% or more of the total votes cast for the successful candidate for governor at the last general election shall nominate its candidates for public office, except for presidential electors, by a primary election as provided in this chapter."*

Section 89. Section 13-10-604, MCA, is amended to read:

"13-10-604. Nominations for minor parties. *Any political party that does not qualify under the provisions of 13-10-601 may make nominations for public office as provided in 13-10-501 through 13-10-505."*

Section 90. Section 13-12-101, MCA, is amended to read:

"13-12-101. Copies of election laws to be furnished. (1) *The secretary of state shall publish copies of the election laws and laws which relate to elections. He shall transmit sufficient copies to each election administrator to furnish each election precinct in his county with two copies and to provide a small extra supply.*

(2) *The secretary of state shall, at the expense of the state, furnish the election administrator with copies of the election laws relating to penalties, campaign practices, campaign finances, and contested elections. The public official with whom a candidate files a declaration, petition, or acceptance of nomination shall transmit one copy to the candidate. A copy shall also be furnished to any other person required to file a statement. Upon his own information or at the written request of any elector, the secretary of state shall provide a copy to any other individual who is a candidate or who is required to make a statement required by this title."*

Section 91. Section 13-12-102, MCA, is amended to read:

"13-12-102. Items to be furnished by election administrators. *The election administrators shall deliver to each polling place or to the chief election judge for a polling place all supplies necessary to conduct the election at that polling place. If the blank ballots for the polling place are delivered before noon of the day before the election, the election administrator shall retain sufficient ballots to supply electors requesting absentee ballots. The election administrator shall write in the pollbook for that polling place, after the numbers of the ballots retained, "reserved for absentee ballots."*

Section 92. Section 13-12-201, MCA, is amended to read:

"13-12-201. Secretary of state to certify ballot. (1) *Fifty days or more before an election, except as provided in 13-10-208, the secretary of state shall certify to the election administrators the name and party or other designation of each candidate entitled to appear on the ballot and ballot issues as shown in the official records of his office, which must include the notification specified in 13-37-126.*

(2) *The election administrator shall certify the name and party or other designation of each candidate entitled to appear on the ballot and ballot issues as shown in the official records of his office, which must include the notification specified in 13-37-126, and shall have the official ballots printed."*

Section 93. Section 13-12-202, MCA, is amended to read:

"13-12-202. Ballot form and uniformity. (1) *The secretary of state shall prescribe the ballot form for all types of ballots used in this state.*

(2) *The names of all candidates printed upon the ballots shall be in type of the same size and character.*

(3) *When the stubs are detached, it must be impossible to distinguish any one of the ballots from another ballot for the same office or issue.*

(4) *The ballots must contain the name of every candidate whose nomination is certified under law for an office and no other names, except that the names of candidates for president and vice president of the United States shall appear on the ballot as provided in 13-25-101(2)."*

Section 94. Section 13-12-203, MCA, is amended to read:

"13-12-203. Printing of candidate's name and party designation on ballot. (1) *Except as provided in 13-10-209 and 13-10-303, in partisan elections, candidates' names shall be printed under the title of the office sought, with the name of the party, in not more than three words, or "Independent" printed opposite the name.*

(2) *In nonpartisan elections, the candidates' names shall be printed under the title of the office sought, with no description or designation printed with the name unless partisan and nonpartisan offices appear on the same ballot. In such a case, the names of nonpartisan candidates shall have printed with them the words "Nominated without party designation"."*

Section 95. Section 13-12-204, MCA, is amended to read:

"13-12-204. Labels to be printed and distributed where vacancy has been filled. (1) *If an appointment has been made to replace a candidate as provided in 13-10-326 or 13-10-327 after the ballots have been printed but before the election, the election administrator shall order labels printed containing the name of the new nominee and any other information required to go on the ballot.*

(2) *The election administrator shall affix the labels in the proper place on each ballot or deliver the labels to the chief election judges to be*

affixed in the proper place on each ballot before it is given to the elector."

Section 96. Section 13-12-205, MCA, is amended to read:

"13-12-205. Arrangement of names — rotation on ballot. (1) *The candidates' names shall be arranged alphabetically on the ballot according to surnames under the title of the respective offices.*

(2) *If two or more individuals are candidates for nomination or election to the same office, the election administrator shall divide the ballot forms into sets equal in number to the greatest number of candidates for any office. The candidates for nomination to an office by each political party shall be considered separately in determining the number of sets necessary for a primary election.*

(3) *The election administrator shall begin with a form arranged alphabetically and rotate so that each candidate's name will be at the top of the list for each office on substantially an equal number of ballots. If it is not numerically possible to place each candidate's name at the top of the list, the names shall be rotated in groups so that each candidate's name is as near the top of the list as possible on substantially an equal number of ballots.*

(4) *If the county contains more than one legislative district, the election administrator may rotate each candidate's name so that it will be at or near the top of the list for each office on substantially an equal number of ballots in each house district.*

(5) *For purposes of rotation, the offices of president and vice president and of governor and lieutenant governor shall be considered as a group.*

(6) *No more than one of the sets may be used in printing the ballot for use in any one precinct, and all ballots furnished for use in any precinct must be identical."*

Section 97. Section 13-12-207, MCA, is amended to read:

"13-12-207. Order of placement. (1) *The order on the ballot for state and national offices shall be as follows:*

(a) *If the election is in a year in which a president of the United States is to be elected, in spaces separated from the balance of the party tickets by a heavy black line shall be the names and spaces for voting for candidates for president and vice president. The names of candidates for president and vice president for each political party shall be grouped together.*

(b) *United States senator;*

(c) *United States representative;*

(d) *Governor and lieutenant governor;*

(e) *Secretary of state;*

(f) *Attorney general;*

- (g) State auditor;
 - (h) Public service commissioners;
 - (i) State superintendent of public instruction;
 - (j) Clerk of the supreme court;
 - (k) Chief justice of the supreme court;
 - (l) Justices of the supreme court;
 - (m) District court judges;
 - (n) State senators;
 - (o) Members of the house of representatives.
- (2) *The following order of placement shall be observed for county offices:*
- (a) clerk of the district court;
 - (b) county commissioner;
 - (c) county clerk and recorder;
 - (d) sheriff;
 - (e) coroner;
 - (f) county attorney;
 - (g) county superintendent of schools;
 - (h) county auditor;
 - (i) public administrator;
 - (j) county assessor;
 - (k) county treasurer;
 - (l) surveyor;
 - (m) justice of the peace.
- (3) *The secretary of state shall designate the order for placement on the ballot of any offices not on the above lists, except that the election administrator shall designate the order of placement for municipal, charter, consolidated, or confederated local government offices and district offices when the district is part of only one county.*
- (4) *Constitutional amendments shall be placed before statewide referendum and initiative measures. Ballot issues for a county, municipality, school district, or other political subdivision shall follow statewide measures in the order designated by the election administrator.*
- (5) *If any offices are not to be elected they shall not be listed, but the order of the offices to be filled shall be maintained.*
- (6) *If there is a short-term and a long-term election for the same office, the long-term office shall precede the short-term."*

Section 98. Section 13-12-208, MCA, is amended to read:

"13-12-208. Provision for write-in votes. Below the *list of names of candidates for each office there must be as many blank spaces for write-in voting as there are officers to be elected.*"

Section 99. Section 13-12-209, MCA, is amended to read:

"13-12-209. Paper ballots — stub size — content. (1) *Paper ballots shall be printed on the same sheet with a stub, separated by perforation.*

(2) *The stub shall extend the entire width of the ballot and have instructions printed on it.*

(3) *Upon the face of the stub shall be printed the following:*

This ballot should be marked with an "x" in the square before the name of each individual or candidate for whom the elector intends to vote. The elector may write in or affix a preprinted label in the blank spaces or over any other name, the name of an individual for whom he wishes to vote and vote by marking an "x" in the square before the name. If a ballot contains a constitutional amendment or other issue to be submitted to a vote of the people, it is voted on by marking an "x" in the square before the amendment or issue.

(4) *On the stub shall be printed or stamped the consecutive number of the ballot, beginning with number 1 and increasing in regular numerical order to the total number of ballots required for the precinct."*

Section 100. Section 13-12-210, MCA, is amended to read:

"13-12-210. Number of ballots to be provided for each precinct. (1) *The election administrator shall provide each election precinct with sufficient ballots for the electors registered, plus an extra supply to cover spoiled ballots.*

(2) *The election administrator shall keep a record in his office showing the exact number of ballots that are delivered to the election judges of each precinct."*

Section 101. Section 13-12-212, MCA, is amended to read:

"13-12-212. Election administrator to provide printed ballots — other ballots prohibited. Except as otherwise provided in the election laws of this state:

(1) *the election administrator shall provide printed ballots for every election. He shall have printed on the ballot the names of all candidates for all offices to be filled at the election and the title and other wording required by law for all ballot issues.*

(2) *ballots other than those printed by the election administrator may not be cast or counted in any election."*

Section 102. **Sample ballots.** The election administrator may have sample ballots printed in a number sufficient to answer requests from the political parties, schools, and electors. Sample ballots must be duplicates

of the official ballots but must be clearly distinguishable from official ballots and may not have perforated stubs or be numbered.

Section 103. Section 13-13-101, MCA, is amended to read:

"13-13-101. Duties — proclamation prior to opening and closing polls. (1) *The election judges shall meet at their assigned polling places at the time set by the election administrator. The judges shall take and subscribe the official oath prescribed by the constitution. They may administer the oath to each other. The judges shall check all supplies and complete preparations for voting before the time set for opening the polls, under the direction of the chief election judge.*

(2) Before the polls are opened or closed, that fact must be proclaimed at the place of election."

Section 104. **Provision and use of election booths, voting machines, or voting devices.** (1) The election administrator shall provide a sufficient number of booths, voting machines, or voting devices to allow voting to proceed with as little delay as possible. Booths, voting machines, or voting devices must be arranged in a manner that will not permit any other individual to see how the elector votes or has voted, and the election judges may not permit any individual to remain in any position that would allow him to see how the elector votes or has voted.

(2) No more than one individual may occupy a booth at one time except when assistance is furnished an elector as provided by law. No individual may occupy a booth or use a voting machine or device longer than is reasonably necessary to prepare his ballot, after which the election judges may eject him.

Section 105. **Display of instructions for electors.** (1) Instructions for electors on how to prepare their ballots or use machines or devices must be posted in each compartment provided for the preparation of ballots and elsewhere in the polling place.

(2) The instructions must be in easily read type and explain how to:

- (a) obtain ballots for voting;
- (b) prepare ballots for deposit in the ballot box; and
- (c) obtain a new ballot in place of one spoiled by accident.

(3) If the instructions for use of the machine or device are printed on the machine or device or are part of a ballot package given each elector, separate instructions need not be posted in the compartment.

(4) Official ballots for the precinct, clearly marked "sample" across the face, shall be posted in each booth or compartment and in conspicuous places about the polling place in all precincts where paper ballots are used. Diagrams showing the arrangement of the ballot for that precinct shall be posted in conspicuous places about the polling place in all precincts using machines or devices.

Section 106. **Warning notice to be posted.** Warning notices shall be posted in conspicuous places in the polling place. Each notice shall be headed "WARNING" in large letters and shall state:

"The sections of law printed below list specific conduct or actions which may cause an elector to be subject to criminal prosecution. This is not intended to be a complete printing of all laws pertaining to election violations."

Below this statement shall be printed the following sections: 13-35-201; 13-35-202; 13-35-206; 13-35-211; 13-35-214; 13-35-217; and 13-35-218.

Section 107. **Marking precinct register book before elector votes.** (1) Before an elector is permitted to receive a ballot or vote, he shall sign his name on the place designated in the precinct register. Before signing the register, the elector shall state his name and current address. If the name or address is not as listed in the precinct register, the elector must complete a transfer form or new registration form to correct the information. The election judges shall write "transfer form" or "registration form" beside the name of any elector submitting a form. No elector may sign the precinct register unless his name and address are the same as shown in the register or the proper corrections have been made.

(2) The election judges shall require an elector not able to sign his name to produce two electors who shall sign an affidavit stating that the elector is the individual whose name and address appears in the precinct register before one or more of the election judges on a form prescribed by the secretary of state. The affidavit shall be filed by the election judges and returned to the election administrator with the returns of the election. One of the judges shall write the elector's name, noting the fact of his inability to sign, and the names of the two electors signing the affidavit.

(3) If the elector fails or refuses to sign his name or, if unable to write, fails to procure two electors who will take the oath required, he may not vote.

Section 108. **Pollbooks.** (1) In precincts using paper ballots, the name of each elector who votes shall be entered in a pollbook and numbered in the order voting so that the number corresponds with the number on the stubs of the ballots given the elector.

(2) In precincts where machines or devices are used, a pollbook need be used only for paper ballots. The election administrator shall provide such precincts with some method of recording the number of individuals voting.

Section 109. **Ballots to be stamped — one ballot to elector.** (1) Before delivering ballots to an elector, the election judges shall stamp the words "official ballot" on the back near the top of the ballot. No part of the stamp may appear on the stub. They shall also stamp the name of the county, the number of the precinct, the date of the election, and any other information the election administrator believes necessary to distinguish the ballots from those used in any other election.

(2) Each elector shall receive from the election judges one of each type of ballot being used at the election.

Section 110. **Method of voting.** (1) On receipt of his ballot, the elector must immediately retire to one of the booths and prepare his ballot.

(2) He shall prepare his ballot by marking an "x" in the square before the name of the individual or individuals for whom he intends to vote.

(3) If the ballot contains a ballot issue, he shall mark an "x" in the applicable square indicating his vote either for or against the issue.

(4) The elector may write the name of an individual for whom he wishes to vote in the blank space or affix a preprinted label in the blank space or over any other name and may vote for that individual by marking an "x" before the name. When the ballot is marked in this manner, it must be counted the same as though the name were printed upon the ballot and marked by the elector.

(5) After preparing his ballot, the elector must fold it so the face of the ballot will be concealed and the official stamp may be seen and hand it to the election judges.

(6) The judge receiving the ballots shall remove the stubs in sight of the elector and deposit each ballot in the ballot box and each stub in a box for detached stubs. The judge must place the ballots in the ballot box immediately without opening or examining them.

(7) No individual except an election judge may put a ballot, any paper resembling a ballot, or anything other than a ballot in a ballot box.

(8) Any elector who spoils his ballot may, on returning the spoiled ballot, receive another in place of it.

Section 111. Taking ballot to disabled elector — two judges.

(1) The chief election judge may appoint two election judges who represent different political parties to take a ballot to an elector able to come to the premises where a polling place is located but unable to enter the polling place because of a disability. The elector may request assistance in marking his ballot as provided in [section 112].

(2) The judges shall have the elector sign an oath form stating he is entitled to vote and shall write in the precinct register by the elector's name "voted on the premises by oath" and sign their names.

(3) When the ballot or ballots are marked and folded, the judges shall immediately take them into the polling place and give them to the judge at the ballot box. The judge receiving the voted ballots shall distinctly announce he has "a ballot offered by..... (name), an elector physically unable to enter the room. Does anyone object to the reception of the ballot?" If no objection is heard, the judge shall remove the stub and place the ballot and stub in the proper boxes. Any challenge to the elector's right to vote shall be resolved as provided in Title 13, chapter 13, part 3.

Section 112. Aid to disabled elector. (1) The election judges or a qualified elector of the county chosen by the disabled elector may aid an elector who, because of physical disability or inability to read or write, needs assistance in marking his ballot.

(2) The election judges shall require the declaration of disability by the elector to be under oath and may administer the oath.

(3) The elector may be assisted by two judges who represent different parties. The judges must certify on the precinct register opposite the disabled elector's name that the ballot was marked with their assistance. The judges may not reveal information regarding the ballot.

(4) Instead of assistance as provided in subsection (3), the elector may request the assistance of any qualified elector of the county whom he designates to the judges to aid him in the marking of his ballot, and the elector chosen shall sign his name on the precinct register beside the name of the elector assisted.

(5) No elector other than the one who requires assistance may divulge to anyone within the polling place the name of any candidate for whom he intends to vote or may ask or receive the assistance of any individual within the polling place in the preparation of his ballot.

Section 113. Poll watchers — announcement of elector's name.

The election judges shall permit one poll watcher from each political party to station himself close to the poll lists in a location that does not interfere with the election procedures. At the time when each elector signs his name, one of the election judges shall pronounce the name loud enough to be heard by the poll watchers. A poll watcher who does not understand the pronunciation has the right to request that the judge repeat the name. Poll watchers shall also be permitted to observe all of the vote counting procedures of the judges after the closing of the polls and all entries of the results of the elections.

Section 114. Additional poll watchers. A candidate, a group of candidates, or any group having an interest in the election may request the election administrator to allow additional poll watchers at any precinct. The election administrator shall grant such requests if the number of poll watchers at the polling place will not interfere with the election procedures.

Section 115. Preventing obstructions. An election officer, sheriff, constable, or other peace officer may clear the passageway, prevent any obstruction, or arrest any individual obstructing the passageway to a polling place.

Section 116. Section 13-13-201, MCA, is amended to read:

"13-13-201. Voting by elector when absent from place of residence or physically incapacitated from going to polls. (1) A qualified registered elector who will be absent from the county or physically incapacitated and unable to go to the polls on the day of election may vote as provided in this part.

(2) *Election judges who will be serving in a different precinct than the one in which they are registered may vote by absentee ballot."*

Section 117. Section 13-13-203, MCA, is amended to read:

"13-13-203. Absentee ballots where voting machines or devices used. (1) In precincts where voting machines or devices are used, the election administrator shall if necessary print and provide:

(a) ballots in official form for possible absent or physically incapacitated *electors*; and

(b) ballot boxes required for precincts in which printed ballots are used.

(2) Absentee ballots received in those precincts shall be handled as provided in this chapter."

Section 118. Section 13-13-211, MCA, is amended to read:

"13-13-211. Application of absentee or physically incapacitated elector for ballot. During a period beginning 75 days before the day of election and ending at noon on the day before the election, an elector expecting to be absent from the county in which his voting precinct is situated, an elector in United States service, or an elector who will be unable to go to the polls because of physical incapacity may apply to the *election administrator* for an absentee ballot."

Section 119. Section 13-13-212, MCA, is amended to read:

"13-13-212. Application for absentee ballot. (1) Application for absentee ballots shall be made by a *written request signed by the applicant and addressed to the election administrator of the applicant's county of residence.*

(2) Application for an absentee ballot may be made by any elector in the United States service by the federal post card application or by any written request signed by the applicant and addressed to the *election administrator of the applicant's county of residence.*"

Section 120. Section 13-13-213, MCA, is amended to read:

"13-13-213. Transmission of application to election administrator. (1) The elector shall forward the application by mail or deliver it in person to the *election administrator.*

(2) The *election administrator* shall compare the signature on the application with the applicant's signature on the registration card. If convinced the *individual* making the application is the same as the one whose name appears on the registration card, he shall deliver the ballot."

Section 121. Section 13-13-214, MCA, is amended to read:

"13-13-214. Mailing ballot to elector. (1) *As soon as the official ballots are printed, the election administrator shall send by mail, postage prepaid, to each elector from whom he has received a valid application whatever official ballots are necessary. Ballots shall be sent immediately to electors submitting valid requests after the official ballots are printed.*

(2) *The election administrator shall enclose with the ballots a self-addressed envelope for the return of the ballots. An affirmation in the form prescribed by the secretary of state shall be printed on the back of the envelope.*

(3) *The election administrator shall stamp the ballots sent to an absentee elector as provided in [section 109].*

(4) Both the envelope in which the ballot is mailed to an elector in the United States service and the return envelope shall have printed across the face two parallel horizontal red bars, each $\frac{1}{4}$ -inch wide, extending from one side of the envelope to the other with an intervening space of $\frac{1}{4}$ -inch, with the words "Official Election Ballot Material—via Air Mail" between the bars. In the upper right-hand corner shall be printed "Free of U.S. Postage". In the upper left-hand corner shall be blanks sufficient for the recipient to place his return address. All printing on the face of the envelope shall be in red. The gummed flap of the envelope supplied for the return of the ballot shall be separated by wax paper or other appropriate protective insert. Voting instructions provided in subsection (6) shall include a procedure to be followed by absentee *electors*, such as notation of the facts on the back of the envelope, duly signed by the *elector*, in instances of adhesion of the balloting material.

(5) *If the ballots sent to the elector are for a primary election, the election administrator shall enclose an extra envelope marked "For Unvoted Party Ballot(s)". This envelope may not be numbered or marked in any way so it can be identified as being used by any one elector.*

(6) Instructions for voting shall be enclosed with the ballots. *Instructions for primary elections must include use of the envelope for unvoted ballots. The instructions must include information concerning the type or types of writing instruments which may be used to mark the absentee ballot.*

(7) *The return envelope shall be self-addressed to the election administrator."*

Section 122. Section 13-13-221, MCA, is amended to read:

"13-13-221. Marking and affirming ballot. (1) *After the elector marks his ballots, he shall fold them so that the vote is concealed and so that the official stamp is visible. The stubs shall be left attached and the ballots should be folded so that the stubs can be detached without revealing the vote.*

(2) *The elector shall place the ballots in the envelope addressed to the election administrator and seal it securely. If the ballots are for a primary election, the party ballot or ballots not voted shall be placed in the envelope marked for that purpose and enclosed in the outer envelope with the voted ballots.*

(3) *The elector shall complete and sign the affirmation on the envelope.*

(4) *The elector shall mail the envelope, postage prepaid, or deliver it to the election administrator."*

Section 123. Section 13-13-222, MCA, is amended to read:

"13-13-222. Voting before election day by prospective absentee or physically incapacitated elector. (1) An elector who is present in his county after the official ballots have been printed and who has reason to believe that he will be absent from the county or physically incapacitated on election day may vote before election day before the *election administrator.*

(2) The provisions of this chapter apply to such voting.

(3) If the ballot is marked before the *election administrator*, he shall deal with it in the same manner as if it had come by mail."

Section 124. Section 13-13-231, MCA, is amended to read:

"13-13-231. Disposition of marked ballot upon receipt by election administrator. (1) Upon receipt of the *voted absentee ballot*, the *election administrator* shall immediately attach the *elector's application to the envelope and mark the precinct number for delivery*.

(2) The *election administrator* shall safely keep the *absentee ballots* in his office until delivered by him."

Section 125. Section 13-13-232, MCA, is amended to read:

"13-13-232. Delivery of ballots to election judges — ballots to be rejected. (1) If the absentee ballot is received prior to delivery of the official ballots to the election judges, the *election administrator* shall deliver the envelope to the judges at the same time the ballots are delivered.

(2) If absentee ballots are received after the ballots are delivered to the election judges but prior to the close of the polls, the *election administrator* shall immediately deliver the envelopes to the judges.

(3) If absentee ballots for which an application was not received prior to noon on the day preceding an election are received by the *election administrator* or if absentee ballots are received by the *election administrator* after the close of the polls, he shall endorse upon the *elector's envelope* the date and exact time of receipt and the words "to be rejected". Absentee ballots so endorsed shall be retained by the *election administrator* and placed with the proper records when they are returned to him."

Section 126. Section 13-13-233, MCA, is amended to read:

"13-13-233. Issue and record of absentee ballots — certificate. (1) The absentee ballots delivered shall be regular official ballots beginning with ballot number 1 and following consecutively according to the number of applications for absentee ballots.

(2) The *election administrator* shall keep a record of all absentee ballots delivered, as well as of ballots marked before him.

(3) The *election administrator* shall deliver to the *chief election judges* to whom the ballots are delivered a certificate stating:

(a) the number of absentee ballots delivered as well as those marked before him;

(b) the number of ballots retained for late absentee voting; and

(c) the names of the *electors* to whom such ballots were delivered or by whom they have been marked if marked before him."

Section 127. **Elector voting absentee ballot may vote in person — effect of absentee elector's death.** (1) If an elector has voted by

absentee ballot but on election day is present in the county and able to go to the polls or if he learns his absentee ballot has been rejected by the judges as provided in 13-13-235 and [section 130], the elector may vote in person at his polling place. If voting machines or devices are used, he may vote by machine or device.

(2) If an elector votes by absentee ballot and dies between the time of balloting and election day, his ballot does not count.

Section 128. Section 13-13-234, MCA, is amended to read:

"13-13-234. Duty of election judges — pollbook. (1) The election judges, at the opening of the polls, shall note on the *pollbook* opposite the numbers corresponding to the number of absentee ballots issued the fact that the ballots were issued and reserve the numbers for the absent or physically incapacitated *electors*. The notation may be made by writing the words "absent or physically incapacitated voters" opposite the numbers.

(2) The election judges shall insert only the name of the elector entitled to each particular number according to the certificate of the *election administrator* and the number of his ballot."

Section 129. Section 13-13-235, MCA, is amended to read:

"13-13-235. Examination of absentee ballot envelopes and affidavits while polls open. (1) While the polls are open, the election judges may compare the signature of the *elector on the absentee ballot request and affirmation*. If they find that the signatures correspond, that the affirmation is sufficient, and that the absentee elector is qualified and has not yet voted, they shall place the absentee elector's envelope in a box or envelope marked "unopened — checked and valid absentee ballots".

(2) If the absentee ballot does not meet the requirements specified in subsection (1), it shall be rejected. The election judges, without opening the absentee ballot envelope, shall mark across it the reason for rejection, and a majority of the judges shall sign their initials. Unopened rejected absentee ballot envelopes shall be handled in the same manner as provided for rejected ballots in 13-13-236 and 13-13-237."

Section 130. **Procedure for absentee ballots after polls close.**

(1) After the polls close, the election judges shall complete the procedures required in 13-13-235 for any absentee ballots not examined while the polls were open.

(2) After all unopened ballot envelopes have been examined, the judges shall open the valid absentee ballot envelopes and, without unfolding the ballots or permitting them to be examined, shall ascertain whether the stubs are attached or enclosed and whether the numbers correspond to the numbers in the certificate of the election administrator. If so, they shall detach the stubs, deposit the stubs and ballots in the proper ballot boxes, and make entries in their election records to show the elector has voted. In a primary election, the unvoted ballots shall be deposited in the unvoted ballot box without being removed from their enclosure envelope.

(3) When the ballot has been voted, the absentee ballot envelope shall be deposited in the ballot box containing the voted ballots and shall be retained and preserved in the manner provided for official ballots.

(4) If upon opening the absentee ballot envelope it is found that the number does not correspond to the number on the certificate of the election administrator, the ballot shall be rejected. The reason for rejection shall be marked on the back of the ballot or ballots and the statement shall be initialed by a majority of the election judges.

Section 131. Section 13-13-236, MCA, is amended to read:

"13-13-236. Rejected absentee ballots. (1) The rejected ballots, the applications, and all envelopes shall be enclosed in an envelope and sealed, and the judges shall write on the envelope "rejected ballot(s) of absentee elector" (writing in the elector's name).

(2) *The unopened absentee ballot envelope of an elector who has voted in person on election day as provided in [section 127] shall be marked "voted in person" and initialed by a majority of the election judges.*

(3) *The unopened absentee ballot envelope of an elector who dies before election day shall be marked "died before election day" and initialed by a majority of the election judges if they are notified of the death on election day. The election administrator shall make and sign the notation if notice of the death is received before delivery of the absentee ballot to the polling place.*

(4) *All rejected ballots shall be placed in the sealed package in which the voted ballots are required to be placed and may not be opened without a court order."*

Section 132. Section 13-13-301, MCA, is amended to read:

"13-13-301. Challenges on election day. (1) An elector's right to vote may be challenged on election day by any registered elector by orally stating to the election judges the grounds of the challenge.

(2) *An individual offering to vote may be orally challenged by any elector of the county upon the following grounds:*

(a) *that he is not the individual whose name appears on the register;*

(b) *that he does not reside at the residence listed unless the elector is voting under the provisions of [sections 41 and 43];*

(c) *that he is of unsound mind, as determined by a court;*

(d) *that he has voted before in that election; or*

(e) *that he has been convicted of a felony and is serving a sentence in a penal institution."*

Section 133. **Vote by challenged elector.** (1) Whenever an individual's right to vote at an election is challenged under 13-2-404 or 13-13-301 and the challenge has been determined in favor of the individual challenged as provided in 13-13-307, an election judge shall write in the

pollbook at the end of the individual's name the words "challenged and sworn", with the name of the challenger, if known. The elector so challenged shall vote by paper ballot. The election judge shall then write upon the back of the ballot offered by the challenged elector the number of his ballot. The ballot may be cast out if it appears to the court to have been for any reason wrongfully or illegally voted.

(2) Placing information on a ballot or pollbook under provision of subsection (1) or divulging such information in a legal proceeding subsequent to the election does not constitute a violation of 13-35-202 or 13-35-207.

Section 134. Section 13-13-304, MCA, is amended to read:

"13-13-304. Duties of election judges in response to challenges. The election judges shall:

(1) *test the qualifications of the elector challenged under oath if he applies to vote;*

(2) *compare the answers of the elector with the entries in the precinct register; and*

(3) *not permit him to vote if the elector:*

(a) *is found to be disqualified because the answers given do not correspond to the entry in the precinct register or any transfer form or registration form submitted by the elector;*

(b) *is disqualified for any cause under the law;*

(c) *refuses to be sworn and to answer questions touching the matter of residence; or*

(d) *refuses to take an oath or affirmation as to his qualifications."*

Section 135. Section 13-13-306, MCA, is amended to read:

"13-13-306. Proceedings pursuant to challenges — oaths. (1) If the challenge is on the ground that the *individual* is not the *elector* whose name appears on the official register, the election judges shall administer the following oath: "*I, (name of elector), do swear (or affirm) that I am the individual whose name is entered on the official register and precinct list.*"

(2) *If the challenge is on the ground that the individual does not reside at the residence listed, the judges shall administer this oath: "I, (name of elector), do swear (or affirm) that I reside at (state precise address), which is the address listed on the official register."*

(3) If the challenge is on the ground that the *individual* has voted before in that election, the judges shall administer this oath: "*I, (name of elector), do swear (or affirm) that I have not voted before in this election.*"

(4) If the challenge is on the ground that the *individual* has been convicted of a felony and is serving a sentence in a penal institution, the judges shall administer the following oath: "*I, (name of elector), do swear (or affirm) either that I have not been convicted of a felony or that,*

if I have been convicted of a felony, I am not serving a sentence in a penal institution."

(5) *The election judges may administer any other oath relating to the individual's qualification to vote that they feel necessary.*"

Section 136. Section 13-13-307, MCA, is amended to read:

"13-13-307. Determination of challenges. Challenges are determined in favor of the *individual* challenged by his taking the oath tendered."

Section 137. Section 13-13-309, MCA, is amended to read:

"13-13-309. Proceedings after determination of challenge. If the challenge is determined against the *individual* offering to vote, the *individual* may not be allowed to receive a ballot or vote by any other means and the precinct register shall be so marked. If determined in favor of the *individual* offering to vote, he shall be allowed to vote."

Section 138. Section 13-13-310, MCA, is amended to read:

"13-13-310. List of challenges to be kept. The election judges shall keep a list showing:

- (1) the names of all *individuals* challenged;
- (2) *the name of the elector or judge offering the challenge, if known;*
- (3) the grounds of each challenge;
- (4) the determination of the election judges upon the challenge."

Section 139. **Application of general laws.** Candidates for nonpartisan offices, including judicial offices, shall be nominated and elected according to the provisions of this title except as otherwise provided in Title 13, chapter 14.

Section 140. **Declarations for nomination — fee.** (1) Nonpartisan candidates shall file declarations for nomination as required by the primary election laws in a form prescribed by the secretary of state except as provided in [section 141].

(2) Declarations may not indicate political affiliation. The candidate may not state in his declaration any principles or measures he advocates or any slogans.

(3) Each individual filing a declaration shall pay the fee prescribed by law for the position he seeks.

(4) Declarations shall be filed in the office of the secretary of state or the appropriate election administrator as provided in 13-10-201. Time of filing shall be the same as provided in 13-10-201.

Section 141. **Filing for offices without salary or fees.** (1) Candidates for nonpartisan offices for which no salary or fees are paid shall file with the appropriate official a petition for nomination containing the same information and the oath of the candidate required for a declaration of nomination in a form prescribed by the secretary of state.

(2) The petition must contain the signatures of registered electors of the election district in which the office will be on the ballot. The number of signatures must be equal to 5% of the total vote cast for the successful candidate for that office at the last general election, but in no case may it be less than five signatures.

(3) The number of signatures necessary for a petition for nomination for an office not previously on the ballot or for which the election district boundaries have changed since the last general election shall be determined by the secretary of state.

(4) Petitions for nomination shall be filed at the same time provided in 13-10-201 for other candidates and offices.

Section 142. **Register of candidates — certification.** (1) On receipt of a declaration or petition, the secretary of state or election administrator shall make an entry in the register of candidates for nomination, on a page different from entries made for candidates of political parties.

Section 143. **Preparation and distribution of nonpartisan primary ballots.** (1) The election administrators shall arrange, prepare, and distribute primary ballots for nonpartisan offices, designated "nonpartisan primary ballots". They shall be arranged as other primary ballots and be without political designation.

(2) The number of nonpartisan primary ballots and sample ballots furnished shall be the same as other primary ballots.

Section 144. **Separate counting and canvassing of nonpartisan ballots — application of general laws.** (1) After closing the polls, the election officers shall separately count, canvass, record, and certify nonpartisan ballots, showing the number of votes cast for each person.

(2) Nonpartisan ballots, stubs, and unused ballots shall be disposed of in the same manner as other ballots, stubs, and unused ballots. Returns shall be made as provided by law.

Section 145. **Placing names on ballots for general election.** Candidates for nomination equal to twice the number to be elected at the general election who receive the highest number of votes cast at the primary are the nominees for the office. If the number of candidates is not more than twice the number to be elected, then all candidates are nominees for the office.

Section 146. **Vacancies among nominees after nomination and before general election.** (1) If after the primary a candidate is not able to run for the office for any reason, the vacancy shall be filled by the candidate next in rank in number of votes received in the primary election.

(2) If a vacancy for a nonpartisan nomination cannot be filled as provided in subsection (1) and the vacancy occurs no later than 50 days before the general election, a 10-day period for accepting declarations for nomination or statements of candidacy and nominating petitions for the office shall be declared by:

(a) the governor for national, state, judicial district, legislative, or any multicounty district office;

(b) the governing body of the appropriate political subdivision for all other offices.

(3) The names of the candidates who filed as provided in subsection (2) shall be certified and printed on the general election ballot in the same manner as candidates nominated in the primary.

(4) If the vacancy occurs later than 50 days before the general election and no qualified individual is elected to the office at the general election, the office shall be vacant and shall be filled as provided by law.

Section 147. Judicial offices separate and independent offices for election purposes. (1) Each vacancy for justice of the supreme court is a separate and independent office for election purposes. The chief justice of the supreme court shall assign an individual number to the justices and certify these numbers to the office of the secretary of state.

(2) Each vacancy for judicial office in a district which has more than one district judge is a separate and independent office for election purposes.

(3) Each vacancy for office in a county which has more than one justice of the peace is a separate and independent office for election purposes.

Section 148. Form of ballot on retention of incumbent judicial officers. In the event there is no candidate other than the incumbent for the office of chief justice, supreme court justice, district court judge, or justice of the peace, the name of the incumbent shall be placed on the official ballot for the general election as follows:

Shall (insert title of officer) (insert name of the incumbent officer) of the (insert title of the court) of the state of Montana be retained in office for another term?

☐ YES

☐ NO

(Mark an "x" before the word "YES" if you wish the official to remain in office. Mark an "x" before the word "NO" if you do not wish the official to remain in office.)

Section 149. Form of ballot on retention for other offices. The election administrator or secretary of state shall use the form prescribed in [section 148] to place the name of an unopposed incumbent for a judicial office on the general election ballot if such office is subject to the provisions of Article VII, Section 8, of The Constitution of the State of Montana.

Section 150. Counting board. (1) In any precinct where a counting board has been appointed in addition to the regular board of election judges, the counting board shall meet at a place designated by the election administrator.

(2) The election administrator may provide duplicate boxes for voted ballots and duplicate pollbooks at any precinct for which a counting board has been appointed and may arrange for the counting board to begin the count of the votes cast before the polls close. The counting board shall be sequestered in a separate room from where the ballots are being cast until after the polls close. Any individual observing the counting board procedures must be sequestered with the board until after the polls close. The counting board shall proceed by counting all ballots in the first box and then that box and pollbook shall be exchanged for the second box and duplicate pollbook. The board shall continue counting until the votes cast for all candidates and issues are counted. The election administrator may appoint an extra election judge to act as a marshal to be responsible for exchanging ballot boxes and pollbooks and enforcing sequestering of the board and observers.

(3) The election administrator may have the counting board for a precinct begin work as soon as the polls close instead of using the procedure outlined in subsection (2).

(4) In a county where voting devices are used, the election administrator may make provisions for the delivery of voted ballots to the counting center at any time prior to the closing of the polls. The ballots may be processed and counted as they are received, but the results of this early count may not be released to the public until after all the polls are closed.

(5) No election judge or other individual having access to the information may disclose any results of early counting while the polls are open.

Section 151. Section 13-15-101, MCA, is amended to read:

"13-15-101. Votes to be publicly counted upon closing of polls. (1) When the polls are closed, the election judges shall immediately *count* the votes. The *count* shall be public and continue without adjournment until completed and the result is publicly declared.

(2) Immediately after all the ballots are *counted* in each precinct, the election judges shall copy the total votes cast for each candidate and for and against each proposition on the *return forms* furnished by the *election administrator*.

(3) The election judges shall immediately post one of the *return forms* at the polling place and *return* a copy to the *election administrator*. *Both forms shall be signed by all the election judges completing the count.*"

Section 152. Section 13-15-201, MCA, is amended to read:

"13-15-201. Preparation for count. (1) *To begin the count after the close of the polls, the election judges shall take ballots out of the box unopened to determine whether each ballot is single.*

(2) They shall count the ballots to ensure that the number of ballots corresponds with the number of names on the *pollbook*.

(3) *If they cannot reconcile the total number of ballots with the pollbook they must submit a written report stating how many ballots*

were missing or in excess and any reason of which they are aware for the discrepancy. All judges must sign the report.

(4) A ballot which is not endorsed by the official stamp is void and may not be counted unless the judges agree the stamp is missing because of their error. Such ballot shall be marked "unstamped by error" on the back and must be initialed by all judges.

(5) If two or more ballots are folded together to look like a single ballot, they shall be laid aside until the count is complete. The election judges shall compare the count with the pollbooks, and if a majority believes that the ballots folded together were voted by one elector, they must be rejected; otherwise they must be counted."

Section 153. Section 13-15-202, MCA, is amended to read:

"13-15-202. Counting votes cast — pollbook. (1) When the procedures required by 13-15-201 are completed, the election judges shall count and determine the votes cast for each individual.

(2) In counting, the ballots shall be opened singly by one of the election judges and the contents read aloud to the other judges.

(3) A ballot or part of a ballot is void and shall not be counted if the elector's choice cannot be determined. If part of a ballot is sufficiently plain to determine the elector's intention, the election judges shall count that part.

(4) As the ballots are read, two judges must write on a tally sheet the name of every individual and the office voted for and keep tallies of the number of votes for each individual.

(5) The tally sheets shall be compared and their correctness ascertained, and the judges shall immediately write in the pollbook:

- (a) the names of all individuals who received votes;
- (b) the offices for which they received votes;
- (c) total votes received by each individual as shown by the tally sheets.

(6) In making the count in precincts where voting machines are used, the votes cast by absentee ballot shall be added to the votes cast on the voting machines.

(7) A ballot or vote rejected by the election judges may not be included in the count."

Section 154. Section 13-15-204, MCA, is amended to read:

"13-15-204. Signing and certifying pollbooks. Immediately after the votes are counted and the ballots sealed up, the pollbook shall be signed and certified to by the election judges in a form prescribed by the secretary of state."

Section 155. Section 13-15-205, MCA, is amended to read:

"13-15-205. Items to be delivered to election administrator by election judges — disposition of other items. (1) Before they

adjourn, the election judges shall enclose in a strong envelope or package, securely fastened:

- (a) the precinct register;
- (b) the list of individuals challenged;
- (c) the pollbook;
- (d) both of the tally sheets.

(2) The election judges shall enclose in a separate package or envelope, securely sealed, all unused ballots with the numbered stubs attached.

(3) The election judges shall enclose in a separate package or envelope, securely sealed, all ballots voted, including those not counted or allowed, and detached stubs from all counted or rejected absentee ballots. This envelope shall be endorsed on the outside "ballots voted". At the primary election the unvoted party ballots shall be enclosed in a separate package or envelope, securely sealed, and marked on the outside "unvoted ballots".

(4) Each election judge shall write his name across all seals.

(5) The return form provided for in 13-15-101 shall be returned with the items provided for in this section but may not be sealed in any of the packages.

(6) The envelopes or packages required by this section shall be delivered to the election administrator by the chief election judge or another judge appointed by the chief judge in the manner ordered by the election administrator.

(7) The election administrator shall instruct the chief election judge in writing on the proper disposition of all other election materials and supplies."

Section 156. Section 13-15-301, MCA, is amended to read:

"13-15-301. Disposition of items by election administrator.

(1) The election administrator shall file the envelopes or packages containing the precinct registers, pollbooks, tally sheets, certificates of registration, and oaths of election officers. He shall keep them unopened until the county board of canvassers meets to canvass the returns. The board shall open the envelopes or packages.

(2) Immediately after the returns are canvassed, the election administrator shall file the pollbooks, election records, and the papers delivered to the board of canvassers with the unopened packages of ballots and ballot stubs."

Section 157. Section 13-15-401, MCA, is amended to read:

"13-15-401. County governing body as board of county canvassers. (1) The governing body of a county, consolidated, or confederated local government is ex officio a board of county canvassers and shall meet as the board of county canvassers at the usual place of meeting of

the governing body within 3 days after each election, at 8 a.m., to canvass the returns.

(2) If one or more of the members of the governing body cannot attend the meeting, his place shall be filled by one or more county officers chosen by the remaining members of the governing body so that the board of county canvassers' membership equals the membership of the governing body.

(3) The governing body of any political subdivision in the county that participated in the election may join with the governing body of the county, consolidated, or confederated local government in canvassing the votes cast at the election.

(4) The election administrator is secretary of the board of county canvassers and shall keep minutes of the meeting of the board and file them in the official records of his office."

Section 158. Section 13-15-402, MCA, is amended to read:

"13-15-402. Canvass of votes by board — procedures if all returns not received by time of canvass. (1) If all returns are in at the time of the meeting, the board of county canvassers shall immediately canvass the returns.

(2) If all returns are not received, the board shall postpone the canvass from day to day until all returns are received.

(3) If the returns from an election precinct have not been received by the election administrator within 3 days after an election, he shall immediately advise the chief election judge.

(4) If it appears to the board that the polls were not open in a precinct, the board shall certify this to the election administrator. The election administrator shall enter the certification in the minutes and in the record required by 13-15-404."

Section 159. Section 13-15-403, MCA, is amended to read:

"13-15-403. Canvass to be public — nonessentials to be disregarded. (1) The canvass shall be public. It shall proceed by opening the returns, auditing the tally books or other records of votes cast, determining the vote for each individual and for and against each ballot issue from each precinct, compiling totals, and declaring or certifying the results.

(2) The board shall record all write-in votes shown in the returns from each precinct.

(3) The returns may not be rejected because of failure to show who administered the oath to the election judges, failure to complete all the certificates in a pollbook, or because of failure of any other act making up the returns that is not essential to determine for whom the votes were cast."

Section 160. Section 13-15-404, MCA, is amended to read:

"13-15-404. Information to be entered on record. (1) The secretary of the board shall prepare and file in the official records of his office a report of the canvass which lists:

(a) the total number of electors voting in each precinct, municipality, district, or portion of a district in the county and the total in the county;

(b) the name of each individual receiving votes and the office for which the votes were received;

(c) the number and title of each ballot issue;

(d) the votes by precinct, municipality, district, or portion of a district within the county for each individual and for and against each ballot issue; and

(e) the total votes in the county for each individual and for and against each ballot issue.

(2) Write-in votes for an individual shall be entered in the report in the same place as the votes for other individuals for the same office but shall be identified as write-in votes."

Section 161. Section 13-15-405, MCA, is amended to read:

"13-15-405. Declaration or certification of results. (1) The board shall declare nominated or elected the individuals having the highest number of votes cast for each county and precinct office, except as provided in 13-10-204.

(2) The board shall proclaim the adoption or rejection of a county ballot issue.

(3) The board shall certify the results of the canvass of votes cast for individuals for political subdivision offices and for and against political subdivision ballot issues to the governing body of each political subdivision participating in the election.

(4) If there is a tie vote for a county office, an office of a political subdivision wholly within the county, a precinct office, or a ballot issue voted on only in that county or portion of that county, the board shall certify the vote to the election administrator."

Section 162. Section 13-15-406, MCA, is amended to read:

"13-15-406. Certificates to be issued by the election administrator. The election administrator shall, except as provided in 13-37-127, deliver a certificate of nomination or election to each individual declared elected by the board."

Section 163. Section 13-15-501, MCA, is amended to read:

"13-15-501. Certification of canvass to state canvassers. (1) The board of county canvassers shall certify the vote for each individual for whom votes were cast for the offices of president and vice president of the United States, congressional offices, state or district offices voted for in more than one county, members of the legislature, judges of the district court, and for and against ballot issues voted on in more than one

county to the board of state canvassers. The certification shall contain all the information required in 13-15-404 for such candidates and issues.

(2) *The secretary of the board shall send the certification to the secretary of state by certified mail in an envelope marked "election returns".*

Section 164. Section 13-15-502, MCA, is amended to read:

"13-15-502. Composition and meeting of board of state canvassers. Within 20 days after the election, or sooner if the returns are all received, the state auditor, superintendent of public instruction, and attorney general shall meet as a board of state canvassers in the office of the secretary of state and determine the vote. The secretary of state *shall serve as secretary of the board, keep minutes of the meeting of the board, and file them in the official records of his office.*"

Section 165. Section 13-15-503, MCA, is amended to read:

"13-15-503. Notification if returns not received from counties. If the returns from all counties have not been received 3 days before the meeting of the board of state canvassers, the secretary of state shall immediately advise the election administrator of each delinquent county."

Section 166. **Canvass to be public — procedure.** (1) The canvass shall be public. It shall proceed by opening the returns from each county, auditing the records from each county for errors, determining the vote for each individual and for and against each ballot issue in each county, compiling totals, and declaring and certifying the results.

(2) The board shall record all write-in votes shown in the returns received from each county.

Section 167. **Report of the canvass.** (1) The secretary of the board shall prepare and file in the official records of his office a report of the canvass which lists:

(a) the total number of electors voting in each county and in each legislative house district and the total in the state;

(b) the name of each individual receiving votes and the office for which the votes were received;

(c) the number and title of each ballot issue; and

(d) the votes by county and legislative house district and the total votes for each individual and for and against each ballot issue.

(2) Write-in votes for an individual shall be entered in the report in the same place as votes of other individuals for the same office but shall be identified as write-in votes.

Section 168. **Declaration, proclamation, and certification of results.** The board shall declare nominated or elected the individual having the highest number of votes cast for each office, except as provided in 13-10-204. The board shall proclaim the adoption or rejection of ballot issues. Certified copies of the report required in [section 167], the declaration of nominated or elected individuals, the proclamation of adoption or

rejection of ballot issues, and the effective date of adopted ballot issues shall be delivered to the governor.

Section 169. Section 13-15-504, MCA, is amended to read:

"13-15-504. Governor to issue commissions. Upon receipt of the statements required by [section 168] and 13-37-127, the governor shall issue commissions to the *individuals* elected. If the governor has been elected to succeed himself, the secretary of state shall issue the commission."

Section 170. Section 13-16-101, MCA, is amended to read:

"13-16-101. County governing body as county recount board. (1) The county recount board shall consist of three members.

(2) *Three members of the governing body shall be appointed by the chairman if there are more than three members of the governing body.*

(3) *If three members of the governing body cannot attend when the board meets, any vacant place shall be filled by one or more county officers chosen by the remaining members of the governing body.*

(4) *If a member of the recount board is a candidate for an office or nomination for which votes are to be recounted, he shall be disqualified.*

(5) *The election administrator is secretary of the recount board, and the board may hire any additional clerks as needed.*

(6) *The board may appoint county employees or hire clerks to assist as needed."*

Section 171. Section 13-16-201, MCA, is amended to read:

"13-16-201. Conditions under which recount to be made. A recount shall be made under any of the following conditions:

(1) If a candidate for a county, *municipal*, or district office voted for in only one county, other than a legislator or a judge of the district court, or a precinct office is defeated by a margin not exceeding $\frac{1}{4}$ of 1% of the total votes cast or by a margin not exceeding 10 votes, whichever is greater, he may, within 5 days after the official canvass, file with the *election administrator* a verified petition stating he believes a recount will change the result and a recount of the votes for the office or nomination should be had.

(2) If a candidate for a congressional office, a state or district office voted on in more than one county, the legislature, or judge of the district court is defeated by a margin not exceeding $\frac{1}{4}$ of 1% of the total votes cast for all candidates for the same position, he may, within 5 days after the official canvass, file a petition with the secretary of state as set forth in subsection (1). The secretary of state shall immediately notify each *election administrator* whose county includes any precincts which voted for the same office by certified or registered mail, and a recount shall be conducted in those precincts.

(3) *If a question submitted to the vote of the people of a county, municipality, or district within a county is decided by a margin not*

exceeding $\frac{1}{4}$ of 1% of the total votes cast for and against the question, a petition as set forth in subsection (1) may be filed with the election administrator. This petition must be signed by not less than 10 electors of the jurisdiction and must be filed within 5 days after the official canvass.

(4) If a question submitted to the vote of the people of the state is decided by a margin not exceeding $\frac{1}{4}$ of 1% of the total votes cast for and against the question, a petition as set forth in subsection (1) may be filed with the secretary of state. This petition must be signed by not less than 100 electors of the state, representing at least five counties of the state, and must be filed within 5 days after the official canvass.

(5) If a question submitted to the vote of the people of a multicounty district is decided by a margin not exceeding $\frac{1}{4}$ of 1% of the total votes cast for and against the question, a petition as set forth in subsection (1) may be filed with the secretary of state. This petition must be signed by not less than 25 electors of the district, representing at least two counties, and must be filed within 5 days after the official canvass.

(6) The secretary of state shall immediately notify each election administrator by certified mail of the filing of the petition, and a recount shall be conducted in all precincts in each county."

Section 172. Section 13-16-203, MCA, is amended to read:

"13-16-203. Recount for tie votes. When a tie has been certified to the election administrator or secretary of state as provided in 13-15-405 (4), he shall proceed as if a petition for a recount has been filed. If a tie exists after the recount, the tie shall be resolved as provided by law."

Section 173. Section 13-16-204, MCA, is amended to read:

"13-16-204. Meeting of recount board when recount requested. (1) Immediately upon receiving an application for a recount as provided in 13-16-201(1) or a notice from the secretary of state that an application has been filed with him, the election administrator shall notify the members of the county recount board.

(2) The board shall convene at the usual meeting place of the governing body without undue delay but not later than 5 days after receiving notice from the election administrator."

Section 174. Section 13-16-301, MCA, is amended to read:

"13-16-301. Application and court order for recount. (1) (a) Within 5 days after the canvass of election returns, an unsuccessful candidate for any public office at an election may apply to the district court of the county where the election was held for an order directing the county recount board to make a recount of the votes cast in any or all of the precincts. If the election was held in more than one county, the application shall be made to the district court of the county where the candidate resides.

(b) Within 5 days after the canvass of election returns, an elector who was eligible to vote on the issue and who believes that there are grounds

for a recount of the votes cast for and against a ballot issue may apply to the district court of the county where he resides for an order directing the appropriate county recount board to make a recount of the votes cast in any or all of the precincts.

(2) The application shall specify the grounds for a recount and be verified by the applicant that the matters contained in it are true to the best of the applicant's knowledge, information, and belief.

(3) Within 5 days after filing of the application, the judge shall hear the application and determine its sufficiency.

(4) If the judge finds there is probable cause to believe that the votes cast for the applicant or the ballot issue were not correctly counted, he shall order the appropriate county recount board to assemble within 5 days after the order is issued at a time and place fixed by the order. The board shall meet and recount the ballots as specified in the order."

Section 175. Section 13-16-303, MCA, is amended to read:

"13-16-303. Presumption of incorrectness from failure to comply with provisions for counting votes. If it appears from a verified application that the election judges failed to comply with the provisions of 13-15-202, that is sufficient cause for believing that the election judges did not correctly ascertain the number of votes cast for the applicant or ballot issue."

Section 176. Section 13-16-304, MCA, is amended to read:

"13-16-304. Ordering in another judge — jurisdiction. (1) If the judge of the district court in which the application is filed is for any reason disqualified from acting, the judge or a supreme court justice shall order another district judge to hear and determine the application.

(2) The district court shall not lose jurisdiction of the case by failure to hear and determine the application within the prescribed time but shall retain jurisdiction until the cause is finally determined and the final count is made by the county recount board."

Section 177. Section 13-16-305, MCA, is amended to read:

"13-16-305. Limitation of recount to certain counties or precincts. (1) If the application asks for a recount in more than one county or precinct but there are not sufficient grounds for a recount in all counties or precincts, the court shall order a recount in only the counties or precincts for which sufficient grounds are stated and shown.

(2) The county recount board shall recount votes only in those counties or precincts and for those offices or ballot issues specified in the court order."

Section 178. Section 13-16-307, MCA, is amended to read:

"13-16-307. Expenses of court-ordered recount. (1) The court shall in its order determine the probable expense of making the recount, and the applicant or applicants asking for the recount shall deposit with the board the amount determined, in cash.

(2) If the recount shows that *an* applicant *has* been elected to office, the deposit of *the* applicant shall be returned to him.

(3) If the recount shows that an applicant has not been elected and the expense of the recount is greater than the estimated cost, the applicant shall pay the excess; but if the expense is less than the cost, the difference shall be refunded to the applicant.

(4) *If the recount reverses the results of a ballot issue election, the deposit of the applicant shall be returned to him.*

(5) *If the recount does not reverse the results of a ballot issue election and the expense of the recount is greater than the estimated cost, the applicant shall pay the excess; but if the expense is less than the cost, the difference shall be refunded to the applicant."*

Section 179. Section 13-16-401, MCA, is amended to read:

"13-16-401. Individuals entitled to appear at recount — opening and recount of ballots. (1) *Representatives of the news media may be present at the recount. The recount shall be public, but the audience may be limited to prevent interference with the procedures.*

(2) Each candidate involved in a recount may appear, personally or by representative, and shall have full opportunity to witness the opening of all ballot boxes and the count of all ballots.

(3) If the recount is upon a *ballot issue*, one qualified elector favoring each side of the question may be present and represent his side.

(4) The recount shall proceed as provided in 13-16-402 and as expeditiously as possible until completed."

Section 180. Section 13-16-402, MCA, is amended to read:

"13-16-402. Procedure for recounting paper ballots. The *county recount* board in recounting the ballots shall count, at the same time, the votes cast in the precincts in which a recount is ordered for the several candidates in whose behalf a recount is ordered in the following manner:

(1) The *election administrator* shall produce, unopened, *each* sealed package or envelope received from the election judges of the precinct or precincts in which a recount is ordered, containing all ballots voted in the precinct or precincts.

(2) A member of the *county recount* board shall open *each* sealed package or envelope and *remove the ballots.*

(3) One of the members of the board shall read each ballot aloud. As the ballots are read, two clerks shall write the votes cast for each *individual* in each precinct, at full length, on previously prepared tally sheets. The tally sheets shall show the names of the respective candidates, the office or offices for which a recount is made, and the number of each election precinct."

Section 181. **Recounts of votes cast by machine.** The recount board shall remove the seals from the voting machines in all precincts

where a recount is required and proceed to record the votes cast for all candidates or on all ballot issues for which the recount is ordered in the same manner as the count is made after the closing of the polls. Any paper ballots voted in the precincts shall be recounted as prescribed in 13-16-402.

Section 182. **Recounts of votes cast by voting devices.** (1) The recount board shall test the automatic tabulating equipment used for votes cast by voting devices in the same manner provided in 13-16-201 for preelection testing. However, the board shall prepare a new group of preaudited ballots for this test. If the test does not show any errors, the votes cast for the candidates or on the issues for which a recount is ordered shall be recounted by the tabulating equipment.

(2) If any errors are found in the test or if any questions remain as to the accuracy of the count, the board may have the program and equipment checked by a qualified individual who did not participate in the original preparation of the program and equipment.

(3) The board may also order manual counting of the votes cast if they believe it is necessary to resolve all questions relating to the election.

(4) The board may remove the seals from any voting device and check the ballot on the device with the official certification of the ballot arrangement for each precinct.

(5) Any paper ballots voted in a precinct shall be recounted as prescribed in 13-16-402.

(6) Write-in votes shall be recounted in the same manner as the count is made after the closing of the polls.

Section 183. **Recount totals.** After a recount is completed, tally sheets shall be compared and the correctness of all reports of votes cast ascertained. The totals for each candidate or on each issue shall be compiled and checked for accuracy.

Section 184. **Report of recount.** (1) If the recount shows the votes for any candidate or on any ballot issue are more or less than the number shown upon the official returns, the secretary of the recount board shall prepare a corrected report which states the number of votes ascertained by the recount.

(2) The recount board shall direct the secretary to enter the result of the election as determined by the recount in the board records.

Section 185. Section 13-16-403, MCA, is amended to read:

"13-16-403. Sealing ballots, machines, or devices. (1) When the recount in a precinct has been finished, *each ballot* shall again be sealed in the same package or envelope in the presence of the *election administrator* and the *county recount* board and shall be delivered to the *election administrator* for custody.

(2) *All voting machines or devices from which seals have been removed shall be resealed in the presence of the election administrator*

and the recount board and shall be delivered to the election administrator for custody.

(3) *All other materials used in the recount that are required to be sealed shall be resealed in the same manner and delivered to the election administrator for custody.*

Section 186. Section 13-16-404, MCA, is amended to read:

"13-16-404. Procedure after recount. (1) Immediately after the recount, the county recount board shall certify the result.

(2) At least two members of the board shall sign the certificate, and it shall be attested to under seal by the *election administrator*.

(3) The certificate shall set forth in substance the proceedings of the board and the appearance of any candidates or representatives. *The certificate shall adequately designate each precinct recounted; the vote of each precinct according to the official canvass previously made; the nomination, position, or question involved; and the correct vote of each precinct as determined by the recount.*

(4) When the certificate relates to a recount for a congressional office, a state or district office voted on in more than one county, a legislative office, or an office of judge of the district court or a ballot issue voted on in more than one county, the certificate shall be made in duplicate. One copy shall be transmitted immediately to the secretary of state by certified mail.

(5) (a) If the recount relates to a county, *municipal*, or district office voted for in only one county, other than *that of* a legislator or a judge of the district court, or a precinct office or a ballot issue voted on in only one county, the county recount board shall immediately recanvass the returns as corrected by the certificate showing the result of the recount and make a corrected abstract of the votes.

(b) If the corrected abstract shows no change in the result, no further action need be taken.

(c) If there is a change in the result, a new certificate of election or nomination shall be issued to each candidate found to be elected or nominated and the first certificate is void. The *individual* receiving the second certificate shall be elected *or nominated* to the office."

Section 187. Section 13-16-501, MCA, is amended to read:

"13-16-501. Tie vote after recount. (1) If the recount shows a tie vote for any office and it cannot be determined who has been nominated by the *primary election, the election officer with whom the candidates' nominating declarations or petitions were filed shall determine by lot which candidate shall be nominated. Written notice of the time and place of the drawing shall be given to each candidate involved.*

(2) *If the recount after a general election shows a tie vote and it cannot be determined who has been elected, the office or position shall be filled as provided by 13-16-502 through 13-16-506.*"

Section 188. Section 13-16-502, MCA, is amended to read:

"13-16-502. Tie vote in election for United States congress. If there is a tie vote for United States representative *or senator*, the secretary of state shall send a certified statement to the governor showing the votes cast and the governor shall order a special election."

Section 189. Section 13-16-503, MCA, is amended to read:

"13-16-503. Tie in election for supreme court justice, district court judge, or state legislator. If there is a tie vote for justice of the supreme court, judge of a district court, or member of the legislature, the secretary of state shall send a certified statement to the governor showing the votes cast for each *individual* and the governor shall appoint *one of those candidates to the office.*"

Section 190. Section 13-16-504, MCA, is amended to read:

"13-16-504. Tie vote in election for state executive officers. If there is a tie vote for governor and lieutenant governor, secretary of state, attorney general, state auditor, clerk of the supreme court, superintendent of public instruction, or any other state executive officer, *the secretary of state shall transmit a certified copy of the statement to the legislature showing the votes cast for the two or more candidates having an equal and the highest number of votes. The legislature, at its next regular session, shall elect one of these candidates to fill the office by joint ballot of the two houses.*"

Section 191. Section 13-16-505, MCA, is amended to read:

"13-16-505. Tie vote in election for county commissioner. If there is a tie vote for commissioner, the senior district judge shall appoint *one of the candidates who tied* to fill the office as in other cases of vacancy."

Section 192. Section 13-16-506, MCA, is amended to read:

"13-16-506. Tie vote in election for other county officers. If there is a tie vote for clerk of the district court, county attorney, or any county officer except county commissioner, the commissioners shall appoint *one of the candidates who tied to fill the office* as in other cases of vacancy."

Section 193. **Tie vote in election for officers of nonspecified political subdivision.** If there is a tie vote for an officer of any political subdivision not specifically provided for in this part, the governing body of that jurisdiction shall appoint one of the candidates who tied to fill the office as in other cases of vacancy.

Section 194. Section 13-17-101, MCA, is amended to read:

"13-17-101. Secretary of state to approve voting machines and devices. (1) Before any voting machine *or device* can be used for any election in this state, the secretary of state shall:

(a) examine the machine *or device* to determine if it complies with the requirements of this chapter;

(b) within 30 days after examining a machine or device, file a report of the examination in his office;

(c) include in the report the reasons for approval or disapproval of the use of the machine or device and his opinion of the economic and procedural impact of the use of the machine or device by the various classes of counties of this state; and

(d) within 5 days after filing the report, transmit to the election administrator of each county a copy of the report.

(2) Voting machines and devices may not be used unless approved by the secretary of state 60 days or more prior to the election at which they will be used."

Section 195. Section 13-17-102, MCA, is amended to read:

"13-17-102. Use of qualified technicians and advisors. (1) The secretary of state may employ and compensate qualified technicians and advisors who are electors of this state to assist him in duties required by 13-17-101. Advisors who are public officers or employees shall serve without additional compensation other than expenses of attending the examination if the examination takes place during their regular working hours.

(2) The person or company submitting a machine or device for examination shall pay the compensation and expenses of technicians and advisors connected with the examination to the secretary of state for deposit in the state general fund. The secretary of state and the person or company shall reach agreement on the number of technicians and advisors to be compensated before the examination is held."

Section 196. Section 13-17-103, MCA, is amended to read:

"13-17-103. Required specifications for equipment. A voting machine or device may not be approved unless:

(1) an elector can vote in secrecy;

(2) an elector is prevented from voting for any candidate or upon any ballot issue more than once and is also prevented from voting on any office or ballot issue for which he is not entitled to vote;

(3) an elector can secretly select the party for which he wishes to vote in a primary election and the machine or device will count only votes for the candidates of that party by the elector in the primary election;

(4) an elector can vote a split ticket in a general election if he desires;

(5) every valid vote cast is registered and recorded;

(6) the machine or device is constructed so that it cannot be tampered with for a fraudulent purpose and is also constructed so that during the progress of the voting no individual can see or know the number of votes registered for any candidate or on any ballot issue;

(7) it allows write-in voting; and

(8) a guarantee to provide training and assistance to election officials will be included in each contract for purchase of the machine or device."

Section 197. Section 13-17-104, MCA, is amended to read:

"13-17-104. Providing voting machines or devices — payment. (1) The county governing body may provide approved voting machines or devices as practicable.

(2) Funds for voting machines or devices may be provided by the same methods available for other capital equipment purchases by the county.

(3) The governing body of a county may put the question of purchasing voting machines or devices or the question of which type of voting machine or device to purchase to the registered electors of the county by the same method that any other question is referred to the electors."

Section 198. Section 13-17-105, MCA, is amended to read:

"13-17-105. Experimental use of machines or devices. The governing body of a county may provide for the experimental use at an election of a voting machine or device that has been approved by the secretary of state in one or more precincts without a formal adoption or purchase of the machine or device. Its use at the election is valid for all purposes as if the equipment had been formally adopted or purchased."

Section 199. Section 13-17-106, MCA, is amended to read:

"13-17-106. General election laws to apply. All laws applicable to elections where voting is not done by machine or device and all penalties prescribed for violations of those laws apply to elections and precincts where voting machines or devices are used if they are not in conflict with the provisions of this chapter."

Section 200. **Secretary of state to prescribe rules.** (1) The secretary of state may prescribe rules for the submission of voting machines and devices for examination and additional requirements for approval of machines and devices.

(2) The secretary of state shall prescribe rules for the complete procedures necessary to use each type of voting machine or device now approved for use in this state and for each type of machine or device approved for use under the provisions of Title 13, chapter 17.

Section 201. Section 13-17-201, MCA, is amended to read:

"13-17-201. Election administrator to instruct election judges. (1) Before each election, the election administrator shall instruct all election judges in the use of the machines or devices. He shall give to each election judge who has received instruction and is fully qualified to conduct an election with the machine a certificate to that effect.

(2) A chief election judge may not serve in a precinct where voting machines or devices are used unless he has received instruction, is fully qualified to perform duties in connection with the machine or device, and has received a certificate to that effect from the election administrator."

Section 202. Section 13-17-203, MCA, is amended to read:

"13-17-203. Publication of information concerning machines or devices. (1) Not more than 10 or less than 3 days before an election

at which voting machines or devices will be used, the election administrator shall publish on radio or television as provided in 2-3-105 through 2-3-107 or in a newspaper of general circulation in the county:

(a) a diagram showing the voting machine or device and ballot arrangement (in newspaper only);

(b) a statement of the locations where voting machines or devices are on public exhibition;

(c) illustrated instructions on how to vote."

Section 203. Section 13-17-204, MCA, is amended to read:

"13-17-204. Voting machines or devices to be exhibited. A voting machine or device shall be on exhibition in the office of the election administrator of counties where such equipment is used and may be exhibited at other locations. The election administrator shall demonstrate the voting machine or device to any inquiring elector."

Section 204. Section 13-17-206, MCA, is amended to read:

"13-17-206. Arrangement of machine ballot. The order and arrangement of ballots to be used with voting machines or devices shall be the same as paper ballots insofar as possible and shall be prescribed by the secretary of state before each election."

Section 205. Section 13-17-301, MCA, is amended to read:

"13-17-301. Placement of equipment — time for use. (1) The exterior of the voting machines or devices or the booths in which they are placed and every part of the polling place shall be in plain view of the election judges.

(2) An elector may not remain within the voting machine or device booth or compartment longer than is reasonably necessary to vote. If he refuses to leave, the election judges shall remove him."

Section 206. Section 13-17-305, MCA, is amended to read:

"13-17-305. Request to use paper ballots. Where voting machines or devices are used, an elector may request to vote by paper ballot instead of using the machine or device. The election judges shall provide the elector with a paper ballot when requested. Paper ballots shall be cast and counted by the election judges in the manner provided by law."

Section 207. Section 13-17-306, MCA, is amended to read:

"13-17-306. Use of separate paper ballots for voting on certain candidates or issues. Whenever a voting machine or device does not allow proper lockout or does not allow adequate space for the candidates for all offices or for all ballot issues, separate paper ballots may be used for some or all offices or ballot issues if written authorization is given to the election administrator by the secretary of state."

Section 208. Section 13-25-101, MCA, is amended to read:

"13-25-101. Nomination of electors — ballot. (1) Each political party qualified under 13-10-601 shall nominate presidential electors for

this state and file certificates of nomination for these candidates with the secretary of state no later than 45 days before the general election, in the manner and number provided by law.

(2) The secretary of state shall certify to the election administrator the names of the candidates for president and vice president of the several political parties, which shall be printed on the ballot.

(3) The names of candidates for electors of president and vice president may not be printed upon the ballot."

Section 209. Section 13-25-203, MCA, is amended to read:

"13-25-203. Vacancy in office of United States representative. (1) If a vacancy occurs in the office of United States representative, the governor shall immediately order an election to be held to fill the vacancy, except as provided in subsection (3) of this section.

(2) The election to fill the unexpired term shall be held within 90 days from the time the vacancy occurs, except that if the vacancy occurs 150 days or less before a primary election or between the primary and general elections in odd-numbered years, the election shall be held with the primary or general election.

(3) If the vacancy occurs between the primary and general election in even-numbered years, the candidate elected to the office for the succeeding full term shall immediately take office to fill the unexpired term."

Section 210. **Nominations for special election.** (1) When a special election is ordered to fill a vacancy in the office of United States senator or United States representative, each political party shall choose a candidate according to the rules of the party. Nominations by parties shall be made no later than 50 days before the date set for the election.

(2) Nominating petitions may be filed by independent candidates for the office up to 5:00 p.m. of the 50th day before the election.

Section 211. Section 13-26-109, MCA, is amended to read:

"13-26-109. Certificate of result — transmission to secretary of state of United States. When the convention has agreed by majority vote of delegates attending the convention, a certificate of the result shall be executed by the president and secretary and transmitted to the secretary of state of the United States. A duplicate of the certificate shall be filed with the secretary of state of Montana."

Section 212. Section 13-27-307, MCA, is amended to read:

"13-27-307. Consideration and tabulation of signatures by secretary of state. (1) The secretary of state shall consider and tabulate only such signatures on petitions as are certified by the proper county official, and each such certificate is prima facie evidence of the facts stated therein. However, the secretary of state may consider and tabulate any signature not certified by the county official that is certified by a notary public of the county in which the signer resides to be the genuine signature of an elector legally qualified to sign the petition.

(2) The official certificate of the notary public for any signature not certified as valid by the county official shall be in substantially the following form:

State of Montana)

ss.

County of.....)

I,..... (name), a duly qualified and acting notary public in and for the above-named county and state, do hereby certify that I am personally acquainted with each of the following-named electors whose signatures are affixed to the annexed (petition) (copy of a petition) and I know of my own knowledge that they are registered electors of the state of Montana and of the county and legislative district written after their names in the petition and that their post-office *addresses* are correctly stated therein.

.....(Names of such electors)

In *testimony whereof*, I have hereunto set my hand and official seal this.... day of....., 19...

Seal (Signature)
..... (Notarial information)"

Section 213. Section 13-27-311, MCA, is amended to read:

"13-27-311. Publication of proposed constitutional amendments. (1) If a proposed constitutional amendment or amendments are submitted to the people, the secretary of state shall have the proposed amendment or amendments published in full twice each month for 2 months previous to the election at which they are to be voted upon by the people, in not less than one newspaper of general circulation in each county.

(2) *The secretary of state may arrange for newspaper, radio, or television publication of proposed constitutional amendments in each county. A summary of the amendment as provided by the attorney general, as described in 13-27-312, or 13-27-315 would suffice for the publication required by this section and should be made at least twice each month for 2 months previous to the election.*"

Section 214. Section 13-27-402, MCA, is amended to read:

"13-27-402. Committees to prepare arguments for and against ballot issues. The arguments advocating approval or rejection of the ballot issue and rebuttal arguments shall be submitted to the secretary of state by committees appointed as provided in this *section*:

(1) The committee advocating approval of an act referred to the people or a constitutional amendment proposed by the legislature or an act referred to the people by referendum petition shall be composed of one senator known to favor the measure, appointed by the president of the senate; one representative known to favor the measure, appointed by the speaker of the house of representatives; and one *individual* who need not be a member of the legislature, appointed by the first two members.

(2) The committee advocating rejection of a ballot issue referred to the people or proposed by the legislature shall be composed of one senator appointed by the president of the senate; one representative appointed by the speaker of the house of representatives; and one *individual* who need not be a member of the legislature, appointed by the first two members. Whenever possible, the members shall be known to have opposed the issue.

(3) A three-member committee advocating approval of a ballot issue proposed by any type of initiative petition or advocating rejection of any ballot issue that is a legislative act referred to the people by referendum petition shall be appointed by the *person submitting the petition to the secretary of state under the provisions of 13-27-202.*

(4) A committee advocating rejection of a ballot issue proposed by any type of initiative petition shall be composed of five members. The governor, attorney general, president of the senate, and speaker of the house of representatives shall each appoint one member, and the fifth member shall be appointed by the first four members. All members shall be known to favor rejection of the issue."

Section 215. Section 13-35-106, MCA, is amended to read:

"13-35-106. Ineligibility to hold office because of conviction. In addition to all other penalties prescribed by law:

(1) a candidate who is convicted of violating any provision of this title, except 13-35-207(9), is ineligible to be a candidate for any public office in the state of Montana until his final discharge from state supervision;

(2) a campaign treasurer who is convicted of violating any provision of this title, except 13-35-207(9), is ineligible to be a candidate for any public office or to hold the position of campaign treasurer in any campaign in the state of Montana until his final discharge from state supervision;

(3) if an elected official or a candidate is *adjudicated to have violated any provision of this title, except 13-35-207(9), he shall be removed from nomination or office, as the case may be, even though he was regularly nominated or elected.*"

Section 216. Section 13-35-107, MCA, is amended to read:

"13-35-107. Voiding election. (1) If a court finds that the violation of any provision of this title by any *person* probably affected the outcome of any election, the result of that election may be held void and a special election held within 60 days of that finding. If the violation occurred during a primary election, the court may direct the *selection* of a new candidate according to the provisions of state law *relating to the filling of vacancies on the general election ballot.* Except as provided in subsection (2), an action to void an election shall be commenced within 1 year of the date of the election in question.

(2) An action to void a bond election shall be commenced within 60 days of the date of the election in question."

Section 217. Section 13-35-202, MCA, is amended to read:

"13-35-202. Conduct of election officials and election judges. *An election officer or judge of an election may not:*

- (1) deposit in a ballot box a ballot on which the official stamp, as provided by law, does not appear;
- (2) prior to putting the ballot of an elector in the ballot box, attempt to find out any name on the ballot or open or examine the folded ballot of an elector;
- (3) look at any mark made by the *elector* upon the ballot;
- (4) make or place any mark or device on any folded ballot with the intent to ascertain *how* the elector has voted;
- (5) allow any *individual* other than the *elector* to be present at the marking of the ballot except as provided in [sections 111 and 112]; or
- (6) make a false statement in a certificate regarding affirmation."

Section 218. Section 13-35-207, MCA, is amended to read:

"13-35-207. Deceptive election practices. A person is guilty of false swearing, unsworn falsification, or tampering with public records or information, as appropriate, and is punishable as provided in 45-7-202, 45-7-203, or 45-7-208, as applicable, whenever the person:

- (1) falsely represents his name or other information required upon his registry card and causes registration with the card;
- (2) signs a registry card knowingly witnessing any false or misleading statement;
- (3) knowingly causes a false statement, certificate, or return of any kind to be signed;
- (4) falsely makes a declaration or certificate of nomination;
- (5) files or receives for filing a declaration or certificate of nomination knowing that all or part of the declaration or certificate is false;
- (6) forges or falsely makes the official endorsement of a ballot;
- (7) forges or counterfeits returns of an election purporting to have been held at a precinct, municipality, or ward where no election was in fact held;
- (8) knowingly substitutes forged or counterfeit returns of election in place of the true returns for a precinct, municipality, or ward where an election was held;
- (9) signs a name other than his own to a petition, signs more than once for the same measure, or signs a petition while not being a qualified elector of the state; or
- (10) makes a false oath or affidavit where an oath or affidavit is required by law."

Section 219. Section 13-35-211, MCA, is amended to read:

"13-35-211. Electioneering. (1) No person may do any electioneering on election day within any polling place or any building in which an election is being held or within 200 feet thereof, *which aids or promotes the success or defeat of any candidate or ballot issue to be voted upon at the election.*

- (2) No person may buy, sell, give, wear, or display at or about the polls on an election day any badge, button, or other insignia which is designed or tends to aid or promote the success or defeat of any candidate or ballot issue to be voted upon at the election."

Section 220. Section 13-35-215, MCA, is amended to read:

"13-35-215. Illegal consideration for voting. No person, directly or indirectly, by himself or by any other person in his behalf, may:

- (1) before or during any election, for voting or agreeing to vote or for refraining or agreeing to refrain from voting at the election or for inducing another to do so:
 - (a) receive, agree, or contract for any money, gift, loan, liquor, valuable consideration, office, place, or employment for himself or any other person; or
 - (b) approach any candidate or agent or person representing or acting on behalf of any candidate and ask for or offer to agree or contract for any money, gift, loan, liquor, valuable consideration, office, place, or employment for himself or any other person;
- (2) after an election, for having voted or refrained from voting or having induced any other person to vote or refrain from voting at the election:
 - (a) receive any money, gift, loan, valuable consideration, office, place, or employment; or
 - (b) approach any candidate or any agent or person representing or acting on behalf of any candidate and ask for or offer to receive any money, gift, loan, liquor, valuable consideration, office, place, or employment for himself or any other person."

Section 221. Section 13-35-225, MCA, is amended to read:

"13-35-225. Election materials not to be anonymous. (1) *Whenever any person makes an expenditure for the purpose of financing communications advocating the success or defeat of a candidate, political party, or ballot issue through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, poster, handbill, bumper sticker, or other form of general political advertising, such communication shall clearly and conspicuously state the name and address of the printer, if printed commercially, and the name and address of the person who made or financed the expenditure for the communication; including, in the case of a political committee, the name and address of the treasurer.*

- (2) *If any document or other article of advertising is too small for the requirements of subsection (1) to be conveniently included or if necessary*

information is inadvertently omitted, the person financing the communication shall file a copy of the article with the commissioner, together with the required information."

Section 222. Section 13-35-226, MCA, is amended to read:

"13-35-226. Unlawful acts of employers and employees. (1) It is unlawful for any employer, in paying his employees the salary or wages due them, to *include with* their pay the name of any candidate or any political mottoes, devices, or arguments containing threats or promises (express or implied) calculated or intended to influence the political opinions or actions of the employees. It is unlawful for an employer to exhibit in a place where his workers or employees may be working any handbill or placard containing any threat, promise, notice, or information that in case any particular ticket or political party, organization, or candidate is elected, work in his place or establishment will cease, in whole or in part, or will be continued or increased; his place or establishment will be closed; the salaries or wages of his workers or employees will be reduced or increased; or other threats or promises (express or implied) intended or calculated to influence the political opinions or actions of his workers or employees. This section shall apply to corporations, individuals, and public officers and employees.

(2) No person may attempt to coerce, command, or require a public employee to give money, service, or other thing of value to aid or promote any political committee or to aid or promote the nomination or election of any person to public office.

(3) No public employee may solicit any money, influence, service, or other thing of value or otherwise aid or promote any political committee or the nomination or election of any person to public office while on the job or at his place of employment. However, nothing in this section is intended to restrict the right of a public employee to express his personal political views.

(4) Any person who violates the provisions of this section shall be fined not to exceed \$1,000, be imprisoned in the county jail for a term not to exceed 6 months, or both, for each separate offense."

Section 223. Section 13-35-231, MCA, is amended to read:

"13-35-231. Unlawful for political party to endorse judicial candidate. A political party may not endorse, contribute to, or make an expenditure to support or oppose a judicial candidate."

Section 224. Section 13-36-101, MCA, is amended to read:

"13-36-101. Grounds for contest of nomination or election to public office. An elector may contest the right of any person to any nomination or election to public office for which the elector has the right to vote, for any of the following causes:

(1) on the ground of a deliberate, serious, and material violation of any provision of the law relating to nominations or elections;

(2) whenever the person whose right is contested was not, at the time of the election, eligible to such office;

(3) on account of illegal votes or an erroneous or fraudulent count or canvass of votes."

Section 225. Section 13-36-102, MCA, is amended to read:

"13-36-102. Time for commencing contest. (1) Five days or less after a candidate has been certified as nominated, a person wishing to contest the nomination to any public office shall give notice in writing to the candidate whose nomination he intends to contest, briefly stating the cause for the contest. The contestant shall make application to the district court in the county where the contest is to be had. The judge shall then set the time for the hearing. The contestant shall serve notice 3 days before the hearing is scheduled. The notice shall state the time and place of the hearing.

(2) Any action to contest the right of a candidate to be declared elected to an office or to annul and set aside such election or to remove from or deprive any person of an office of which he is the incumbent for any offense mentioned in this title must, unless a different time is stated, be commenced within 1 year after the return day of the election at which such offense was committed."

Section 226. Section 13-36-103, MCA, is amended to read:

"13-36-103. Court having jurisdiction of proceedings. An application for filing a statement, payment of a claim, or correction of an error or false recital in a filed statement or an action or proceeding to annul and set aside the election of any person declared elected to an office or to remove or deprive any person of his office for an offense mentioned in this title or any petition to excuse any person or candidate in accordance with the power of the court to excuse, as provided in 13-36-209, must be made or filed in the district court of the county in which the certificate, declaration, or acceptance of his nomination as a candidate for the office to which he is declared nominated or elected is filed or in which the incumbent resides."

Section 227. Section 13-36-202, MCA, is amended to read:

"13-36-202. Reception of illegal votes — allegations and evidence. When the reception of illegal votes is alleged as a cause of contest, it shall be sufficient to state generally that in one or more specified voting precincts illegal votes were given to the candidate whose nomination or election is contested which, if taken from him, will reduce the number of his legal votes below the number of legal votes given to some other candidate for the same office. No testimony shall be received of any illegal votes unless the party contesting such election delivers to the opposite party, at least 3 days before such trial, a written list of the number of illegal votes (and by whom given) which he intends to prove on such trial. This provision shall not prevent the contestant from offering evidence of illegal votes not included in such statement if he did not know and by reasonable diligence was unable to learn of such additional illegal votes (and by whom they were given) before delivering such written list."

Section 228. Section 13-36-205, MCA, is amended to read:

"13-36-205. Recovery of costs. *In any contest, the prevailing party may recover his costs, disbursements, and reasonable attorney's fees. Costs, disbursements, and attorney's fees in all such cases shall be in the discretion of the court. In case judgment is rendered against the petitioner, it shall also be rendered against the sureties on the bond.*"

Section 229. Section 13-36-207, MCA, is amended to read:

"13-36-207. Hearing of contest. The petitioner (contestant) and the contestee may appear and produce evidence at the hearing, but no person other than the petitioner and contestee may be made a party to the proceedings on such petition and no person other than the parties and their attorneys may be heard thereon except by order of the court. If more than one petition is pending or the election of more than one person is contested, the court may in its discretion order the cases to be heard together and may apportion the costs, disbursements, and attorney's fees between them and shall finally determine all questions of law and fact, *except* that the judge may in his discretion impanel a jury to decide on questions of fact. In the case of nominations or elections other than for federal congressional offices, the court shall immediately certify its decision to the *governing body* or official issuing certificates of nomination or election and the *governing body* or official shall thereupon issue certificates of nomination or election to the person or persons entitled thereto by the court's decision. If judgment of ouster against a defendant is rendered, the nomination or office shall be by the judgment declared vacant, except as provided in 13-36-212, and shall thereupon be filled by a new election or by appointment as may be provided by law regarding vacancies in such nomination or office."

Section 230. Section 13-37-111, MCA, is amended to read:

"13-37-111. Investigative powers and duties. (1) The commissioner of campaign finances and practices shall be responsible for investigating all of the alleged violations of the election laws contained in *chapters 35, 36, or 37 of this title* and shall in conjunction with the county attorneys be responsible for enforcing *these* election laws.

(2) The commissioner may investigate all statements filed pursuant to the provisions of *chapters 35, 36, or 37 of this title* and shall also investigate alleged failures to file any statement or the alleged falsification of any statement filed pursuant to the provisions of *chapters 35, 36, or 37 of this title*. Upon the submission of a written complaint by any individual, the commissioner shall also investigate any other alleged violation of the provisions of *chapters 35, 36, or 37 of this title* or any rule adopted pursuant thereto.

(3) The commissioner may inspect any records, accounts, or books that must be kept pursuant to the provisions of *chapters 35, 36, or 37 of this title* which are held by any political committee or candidate, so long as such inspection is made during reasonable office hours.

(4) The commissioner may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, bank account

statements of a political committee or candidate, or other records which are relevant or material for the purpose of conducting any investigation pursuant to the provisions of *chapters 35, 36, or 37 of this title*."

Section 231. Section 13-37-112, MCA, is amended to read:

"13-37-112. Personnel and budget. (1) The commissioner shall select an appropriate staff to enforce the provisions of *chapters 35, 36, or 37 of this title*, and he may hire and fire all personnel under his supervision.

(2) The commissioner shall be responsible for preparing, administering, and allocating the budget for his office."

Section 232. Section 13-37-113, MCA, is amended to read:

"13-37-113. Hiring of attorneys — prosecutions. The commissioner may hire or retain attorneys who are properly licensed to practice before the supreme court of the state of Montana to prosecute violations of *chapters 35, 36, or 37 of this title*. Any properly licensed attorney so retained or hired shall exercise the powers of a special attorney general, and he may prosecute, subject to the control and supervision of the commissioner and the provisions of 13-37-124 and 13-37-125, any criminal or civil action arising out of a violation of any provision of *chapters 35, 36, or 37 of this title*. All prosecutions shall be brought in the state district court for the county in which a violation has occurred or in the district court for Lewis and Clark County. The authority to prosecute as prescribed by this section includes the authority to:

(1) institute proceedings for the arrest of persons charged with or reasonably suspected of criminal violations of *chapters 35, 36, or 37 of this title*;

(2) attend and give advice to a grand jury when cases involving criminal violations of *chapters 35, 36, or 37 of this title* are presented;

(3) draw and file indictments, informations, and criminal complaints;

(4) prosecute all actions for the recovery of debts, fines, penalties, or forfeitures accruing to the state or county from persons convicted of violating *chapters 35, 36, or 37 of this title*; and

(5) do any other act necessary to successfully prosecute a violation of any provision of *chapters 35, 36, or 37 of this title*."

Section 233. Section 13-37-114, MCA, is amended to read:

"13-37-114. Rules. The commissioner shall promulgate and publish rules to carry out the provisions of *chapters 35, 36, or 37 of this title* and shall promulgate such rules in conformance with the Montana Administrative Procedure Act."

Section 234. Section 13-37-117, MCA, is amended to read:

"13-37-117. Commissioner to provide forms and manuals. (1) The commissioner shall prescribe forms for statements and other information required to be filed pursuant to *chapters 35, 36, or 37 of this title* and

furnish forms and appropriate information to persons required to file statements and information.

(2) The commissioner shall prepare and publish a manual prescribing a uniform system for accounts for use by persons required to file statements pursuant to *chapters 35, 36, or 37* of this title.

(3) The commissioner shall prescribe the manner in which the county clerk and recorders shall receive, file, collate, and maintain reports filed with them under *chapters 35, 36, or 37* of this title."

Section 235. Section 13-37-118, MCA, is amended to read:

"13-37-118. Information voluntarily supplied. The commissioner shall accept and file any information voluntarily supplied that exceeds the requirements of *chapters 35, 36, or 37* of this title."

Section 236. Section 13-37-119, MCA, is amended to read:

"13-37-119. Availability of information. (1) The commissioner shall make statements and other information filed with his office available for public inspection and copying during regular office hours and make copying facilities available free of charge or at a charge not to exceed actual cost.

(2) The commissioner shall preserve statements and other information filed with his office for a period of 10 years from date of receipt.

(3) The commissioner shall prepare and publish summaries of the statements received and such other reports as he considers appropriate.

(4) The commissioner shall provide for wide public dissemination of summaries and reports."

Section 237. Section 13-37-120, MCA, is amended to read:

"13-37-120. Reports. The commissioner shall at the close of each fiscal year report to the legislature and the governor concerning the action he has taken, including the names, salaries, and duties of all individuals in his employ and the money he has disbursed. The commissioner shall also make further reports on the matters within his jurisdiction *that* the legislature may prescribe and shall also make recommendations for further legislation *that* may appear desirable."

Section 238. Section 13-37-121, MCA, is amended to read:

"13-37-121. Inspection of statements and reports — issuance of orders of noncompliance. (1) Each statement *and report* filed with the commissioner during an election or within 60 days thereafter shall be inspected within 10 days after *it* is filed. If a person has not satisfied the provisions of this *chapter*, the commissioner shall immediately notify the person of the noncompliance. Such an order of noncompliance shall be issued when:

(a) upon examination of the official ballot, it appears that the person has failed to file a statement *or report* as required by *this chapter* or that a statement *or report* filed by a person does not conform to law; or

(b) it is determined that a statement *or report* filed with the commissioner does not conform to the requirements of this *chapter* or that a person has failed to file a statement *or report* required by law.

(2) If an order of noncompliance is issued during a campaign period or within 60 days after an election, a candidate or political committee shall submit the necessary information within 5 days after receiving the notice of noncompliance. Upon a failure to submit the required information within the time specified, the appropriate county attorney or the commissioner may initiate a civil or criminal action pursuant to the procedures outlined in 13-37-124 and 13-37-125.

(3) If an order of noncompliance is issued during any period other than that described in subsection (2), a candidate or political committee shall submit the necessary information within 10 days after receiving the notice of noncompliance. Upon a failure to submit the required information within the time specified, the appropriate county attorney or the commissioner shall initiate a civil or criminal action pursuant to the procedures outlined in 13-37-124 and 13-37-125."

Section 239. Section 13-37-123, MCA, is amended to read:

"13-37-123. Examination of reports after election. Within 120 days after the date of each election, the commissioner shall examine and compare each statement or report filed with the commissioner pursuant to the provisions of this *chapter* to determine whether *the* statement or report conforms to the provisions of the law. The examination shall include a comparison of all reports and statements received by the commissioner pursuant to the requirements of this *chapter*. The commissioner may investigate the source and authenticity of any contribution or expenditure listed in any report or statement filed pursuant to this *chapter* or the alleged failure to report any contribution or expenditure required to be reported pursuant to this *chapter*."

Section 240. Section 13-37-124, MCA, is amended to read:

"13-37-124. Consultation and cooperation with county attorney. (1) Whenever the commissioner determines that there appears to be sufficient evidence to justify a civil or criminal prosecution under *chapters 35, 36, or 37* of this *title*, he shall notify the county attorney of the county in which the alleged violation occurred and shall arrange to transmit to the county attorney all information relevant to the alleged violation. If the county attorney fails to initiate the appropriate civil or criminal action within 30 days after he receives notification of the alleged violation, the commissioner may then initiate the appropriate legal action.

(2) A county attorney may, at any time prior to the expiration of the 30-day time period specified in subsection (1), waive his right to prosecute and thereby authorize the commissioner to initiate the appropriate civil or criminal action.

(3) The provisions of subsection (1) do not apply to a situation in which the alleged violation has been committed by the county attorney of a county. In this instance, the commissioner is authorized to directly prosecute any alleged violation of *chapters 35, 36, or 37* of this title.

(4) If a prosecution is undertaken by the commissioner, all court costs associated with the prosecution shall be paid by the state of Montana, and all fines and forfeitures imposed pursuant to a prosecution by the commissioner shall be deposited in the state general fund."

Section 241. Section 13-37-125, MCA, is amended to read:

"13-37-125. Powers of county attorney to investigate. (1) Nothing in *chapters 35, 36, or 37* of this title prevents a county attorney from inspecting any records, accounts, or books which must be kept pursuant to the provisions of *chapters 35, 36, or 37* of this title that are held by a political committee or candidate involved in an election to be held within the county. However, the inspections must be conducted during reasonable office hours.

(2) A county attorney may:

- (a) administer oaths and affirmations;
- (b) subpoena witnesses and compel their attendance;
- (c) take evidence; and

(d) require the production of any books, correspondence, memoranda, bank account statements of a political committee or candidate, or other records which are relevant or material for the purpose of conducting any investigation pursuant to the provisions of *chapters 35, 36, or 37* of this title."

Section 242. Section 13-37-126, MCA, is amended to read:

"13-37-126. Names not to be printed on ballot. (1) The name of a candidate *may* not be printed on the official ballot for an election if the candidate or a political treasurer for a candidate fails to file any statement or report as required by this chapter.

(2) A vacancy on an official ballot under this section may be filled in the manner provided by law, but not by the name of the same candidate.

(3) In carrying out the mandate of this section, the commissioner must, by a written statement, notify the secretary of state or the *election administrator* that a candidate or a candidate's treasurer has not complied with the provisions of this chapter, as described in subsection (1), and that a candidate's name should not be printed on the official ballot."

Section 243. Section 13-37-127, MCA, is amended to read:

"13-37-127. Withholding of certificates of nomination or election. (1) A certificate of election shall *not* be granted to any candidate until *he* or his political treasurer has filed the reports and statements that must be filed pursuant to the provisions of this chapter. No candidate for an elective office may assume the powers and duties of that office until he has received a certificate of election as provided by law. A certificate of election shall only be issued by the public official responsible for issuing a certificate or commission of election.

(2) *In carrying out the mandate of this section, the commissioner must, by written statement, notify the public official responsible for issuing a certificate of nomination or election that a candidate or his treasurer has complied with the provisions of this chapter as described in subsection (1) and that a certificate of nomination or election may be issued."*

Section 244. **Cause of action created.** (1) Except as provided in 13-37-306, any person who intentionally or negligently violates any of the reporting provisions of Title 13, chapter 37, shall be liable in a civil action brought by the commissioner or a county attorney pursuant to the provisions outlined in 13-37-124 and 13-37-125 for an amount up to \$500 or three times the amount of the unlawful contributions or expenditures, whichever is greater.

(2) Any person who makes or receives a contribution or expenditure in violation of 13-35-225, 13-35-227, 13-35-228, or Title 13, chapter 37, is liable in a civil action brought by the commissioner or a county attorney pursuant to the provisions outlined in 13-37-124 and 13-37-125 for an amount up to \$500 or three times the amount of the unlawful contribution or expenditure, whichever is greater.

Section 245. **Liability and disposition of fines.** In determining the amount of liability under [section 244], the court may take into account the seriousness of a violation and the degree of culpability of the defendant. If a judgment is entered against the defendant or defendants in an action brought by a county attorney, the county shall receive 50% of the amount recovered. The remaining 50% shall be deposited in the general fund of the state. In an action brought by the commissioner, the entire amount recovered shall be paid to the general fund of the state.

Section 246. **Limitation of action.** No action may be brought under [sections 244 and 245] more than 4 years after the occurrence of the facts which give rise to the action. No more than one judgment against a particular defendant may be had on a single state of facts. The civil action created in [sections 244 and 245] shall be the exclusive remedy for violation of the contribution, expenditure, and reporting provisions of this chapter, except as provided in 13-37-306. These provisions are not subject to the misdemeanor penalties of 13-35-103 but may be a ground for contest of election or removal from office as provided in 13-35-106(3) and Title 13, chapter 36.

Section 247. Section 13-37-201, MCA, is amended to read:

"13-37-201. Campaign treasurer. Except as provided in 13-37-206, each candidate and each political committee shall appoint one campaign treasurer and *certify the full name and complete address of the campaign treasurer pursuant to this section. A candidate shall file the certification within 5 days after becoming a candidate. A political committee shall file the certification, which shall include an organizational statement and set forth the name and address of all other officers, if any, within 5 days after it makes an expenditure or authorizes another person to make an expenditure on its behalf, whichever occurs first. The certification of a candidate or political committee shall be filed with the commissioner*

and the appropriate county clerk and recorder as specified for the filing of reports in 13-37-225."

Section 248. Section 13-37-202, MCA, is amended to read:

"13-37-202. Deputy campaign treasurers. (1) A campaign treasurer may appoint deputy campaign treasurers, but not more than one in each county in which the campaign is conducted. Each candidate and political committee shall certify the full name and complete address of the campaign treasurer and all deputy campaign treasurers with the office with whom the candidate or the political committee is required to file reports.

(2) Deputy campaign treasurers may exercise any of the powers and duties of a campaign treasurer as set forth in this chapter when specifically authorized in writing to do so by the campaign treasurer and the candidate, in the case of a candidate, or the campaign treasurer and the chairman of the political committee, in the case of a political committee. *The written authorization shall be maintained as a part of the records required to be kept by the treasurer, as specified in 13-37-208.*"

Section 249. Section 13-37-205, MCA, is amended to read:

"13-37-205. Campaign depositories. Except as provided in 13-37-206, each candidate and each political committee shall designate one primary campaign depository for the purpose of depositing all contributions received and disbursing all expenditures made by the candidate or political committee. The candidate or political committee may also designate one secondary depository in each county in which an election is held and in which the candidate or committee participates. Deputy campaign treasurers may make deposits in and expenditures from secondary depositories when authorized to do so as provided in 13-37-202(2). Only a bank authorized to transact business in Montana may be designated as a campaign depository. The candidate or political committee shall file the name and address of each primary and secondary depository so designated at the same time and with the same officer with whom the candidate or committee files the name of his or its campaign treasurer pursuant to 13-37-201. Nothing in this section shall prevent a political committee or candidate from having more than one campaign account in the same depository, *but a candidate may not utilize his regular or personal account in the depository as a campaign account.*"

Section 250. Section 13-37-206, MCA, is amended to read:

"13-37-206. Exception for certain school districts. The provisions of *this part, except 13-37-217*, do not apply to candidates for the office of trustee of a school district, their political committees, and political committees organized to support or oppose a school district issue when the school district is:

(1) a first-class district located in a county having a population of less than 15,000;

(2) a second- or third-class district; or

(3) a county high school district having a student enrollment of less than 2,000."

Section 251. Section 13-37-208, MCA, is amended to read:

"13-37-208. Treasurer to keep records. (1) The campaign treasurer of each candidate and each political committee shall keep detailed accounts (current within not more than 10 days after the date of receiving a contribution or making an expenditure, *except that accounts shall be current as of the 5th day before the date of filing of a report as specified in 13-37-226*) of all contributions received and all expenditures made by or on behalf of the candidate or political committee that are required to be set forth in a report filed under this chapter.

(2) *Accounts of a deputy campaign treasurer shall be transferred to the treasurer of a candidate or political committee before the candidate or political committee finally closes its books or when the position of a deputy campaign treasurer becomes vacant and no successor is appointed.*

(3) Accounts kept by a campaign treasurer of a candidate or political committee shall be preserved by the campaign treasurer for a period coinciding with the term of office for which the person was a candidate or for a period of 4 years, *whichever is longer.*"

Section 252. Section 13-37-215, MCA, is amended to read:

"13-37-215. Petty cash funds allowed. (1) The campaign treasurer for each candidate or political committee is authorized to withdraw the following amount each week from the primary depository for the purpose of providing a petty cash fund for the candidate or political committee:

(a) for all *statewide* candidates and political committees *filing reports pursuant to 13-37-226(1)*, \$100 per week; and

(b) for all other candidates and political committees, \$20 per week.

(2) The petty cash fund may be spent for office supplies, transportation expenses, and other necessities in an amount of less than \$10. Petty cash shall not be used for the purchase of time, space, or services from any communications medium."

Section 253. Section 13-37-216, MCA, is amended to read:

"13-37-216. Limitations on contributions. (1) Aggregate contributions for all elections in a campaign by an individual, other than the candidate, to a candidate and political committees organized on his behalf are limited as follows:

(a) for candidates filed jointly for the office of governor and lieutenant governor, not to exceed \$1,500;

(b) for a candidate to be elected for state office in a statewide election, other than the candidates for governor and lieutenant governor, not to exceed \$750;

(c) for a candidate for public service commissioner, *district court judge, or state senator*, not to exceed \$400; and

(d) for a candidate for *any other public office*, not to exceed \$250.

(2) *For the purposes of this subsection, an independent committee means a committee which is not specifically organized on behalf of a particular candidate or which is not controlled either directly or indirectly by a candidate or candidate's committee and which does not act jointly with a candidate or candidate's committee in conjunction with the making of expenditures or accepting contributions. For the purpose of limitation on contributions, political party organizations are independent committees. Aggregate contributions by an independent committee to a candidate and political committees organized on his behalf for all elections in a campaign are limited as follows:*

(a) for candidates filed jointly for the offices of governor and lieutenant governor, not to exceed \$8,000;

(b) for a candidate to be elected for state office in a statewide election, other than the candidates for governor and lieutenant governor, not to exceed \$2,000;

(c) for a candidate for public service commissioner, not to exceed \$1,000;

(d) for a candidate for the *state senate*, not to exceed \$600;

(e) for a candidate for *any other public office*, not to exceed \$300.

(3) The limitations imposed by this section do not apply to public funds contributed to a candidate under *part 3 of this chapter*."

Section 254. Section 13-37-217, MCA, is amended to read:

"13-37-217. Contributions in name of undisclosed principal. No person may make a *contribution* of his own money or of another person's money to any other person in connection with *any* election in any other name than that of the person who in truth supplies such money. No person may knowingly receive such a *contribution* or enter or cause the same to be entered in his accounts or records in another name than that of the person by whom it was actually furnished."

Section 255. Section 13-37-225, MCA, is amended to read:

"13-37-225. Reports of contributions and expenditures required. (1) Except as provided in 13-37-206, each candidate and political committee shall file periodic reports of contributions and expenditures made by or on the behalf of a candidate or political committee. All reports required by this *chapter* shall be filed with the commissioner and with the county clerk and recorder of the county in which a candidate is a resident or the political committee has its headquarters. However, where residency within a district, county, city, or town is not a prerequisite for being a candidate, copies of all reports shall be filed with the county clerk and recorder of the county in which the election is to be held or, if the election is to be held in more than one county, with the clerk and recorder in the county that the commissioner *specifies*.

(2) In lieu of all contribution and expenditure reports required by this chapter, the commissioner shall accept copies of the reports filed by candidates for congress and president of the United States and their political committees pursuant to the requirements of federal law."

Section 256. Section 13-37-226, MCA, is amended to read:

"13-37-226. Time for filing reports. (1) Candidates for a state office filled by a statewide vote of all the *electors* of Montana and political committees *which are specifically organized to support or oppose a particular statewide candidate or issue* shall file reports:

(a) on the 10th day of March and September in each year that an election is to be held and on the 15th and 5th days next preceding the date on which an election is held and within 24 hours after receiving a contribution of \$500 or more *if received between the 10th day before and the day of the election*;

(b) not more than 20 days after the date of the election; and

(c) on the 10th day of March and September of each year following an election *until the candidate or political committee files a closing report as specified in 13-37-228(3)*.

(2) Candidates for a state district office, including but not limited to candidates for the legislature, public service commission, or district court judge, and political committees *which are specifically organized to support or oppose a particular state district candidate or issue* shall file reports:

(a) on the 10th day next preceding the date on which an election is held and within 24 hours after receiving a contribution of \$100 or more *if received between the 15th day before and the day of the election*;

(b) not more than 20 days after the date of the election; and

(c) whenever a candidate or political committee *files his or its closing report as specified in 13-37-228(3)*.

(3) Candidates for any other public office and political committees *which are specifically organized to support or oppose a particular local issue* shall be required to file the reports specified in subsection (2) only if the total amount of contributions received or the total amount of funds expended for *all elections in a campaign*, excluding the filing fee paid by the candidate, exceeds \$500, except as provided in 13-37-206.

(4) *For the purposes of this subsection, a committee which is not specifically organized to support or oppose a particular candidate or ballot issue and which receives contributions and makes expenditures in conjunction with an election is an independent committee. For the purpose of reporting, a political party committee is an independent committee. An independent committee shall file reports:*

(a) on the 10th day next preceding the date of an election in which it participates by making an expenditure;

(b) not more than 20 days after the date of the election in which it participates by making an expenditure; and

(c) a closing report at the close of each calendar year, on a date to be prescribed by the commissioner.

(5) The commissioner may promulgate rules regarding the extent to which organizations that are not primary political committees but are

incidental political committees shall report their politically related activities in accordance with this chapter.

(6) All reports required by this section shall be complete as of the 5th day before the date of filing as specified in 13-37-225(2) and subsections (1) through (5) of this section."

Section 257. Section 13-37-227, MCA, is amended to read:

"13-37-227. Comprehensive report when several candidates or issues involved. The commissioner shall adopt rules that will permit political committees, including political parties, to file copies of a single comprehensive report when they support or oppose more than one candidate or issue. *The commissioner shall adopt rules under which committees filing periodic reports with the federal election commission and committees headquartered outside the state of Montana shall report in accordance with this title.*"

Section 258. Section 13-37-228, MCA, is amended to read:

"13-37-228. Time periods covered by reports. Reports filed under 13-37-225 and 13-37-226 shall be filed to cover the following time periods *even though no contributions or expenditures may have been received or made during the period:*

(1) The initial report shall cover all contributions received or expenditures made by a candidate or political committee prior to the time that a person became a candidate *or a political committee* as defined in 13-1-101 until the 5th day before the date of filing of the appropriate initial report pursuant to subsections (1) through (4) of 13-37-226.

(2) Subsequent periodic reports shall cover the period of time from the closing of the previous report to 5 days before the date of filing of a report pursuant to 13-37-226(1) through (4).

(3) *Closing reports shall cover the period of time from the last periodic report to the final closing of the books of the candidate or political committee. A candidate or political committee shall file a closing report following an election in which he or it participates whenever all debts and obligations are extinguished and no further contributions or expenditures will be received or made which relate to the campaign, unless the election is a primary election and the candidate or political committee will participate in the general election.*"

Section 259. Section 13-37-229, MCA, is amended to read:

"13-37-229. Disclosure of contributions received. Each report required by this chapter shall disclose the following information:

(1) the amount of cash on hand at the beginning of the reporting period;

(2) the full name and mailing address (occupation and the principal place of business, if any) of each person who has made aggregate contributions, other than loans, of \$25 or more to the candidate or political committee (including the purchase of tickets *and other items* for events such

as dinners, luncheons, rallies, and similar fund-raising events), together with the aggregate amount of those contributions *within the reporting period* and the total amount of contributions made by that person;

(3) the total sum of individual contributions made to or for the political committee or candidate and not reported under subsection (2) of this section;

(4) the name and address of each political committee or candidate from which the reporting committee or candidate received any transfer of funds, together with the amount and dates of all transfers;

(5) each loan from any person during the reporting period, together with the full names and mailing addresses (occupation and principal place of business, if any) of the lender and endorsers, if any, and the date and amount of each loan;

(6) the amount and nature of debts and obligations owed to a political committee or candidates, in the form prescribed by the commissioner;

(7) an itemized account of proceeds *which total less than \$25 from a person from mass collections made at fund-raising events*

(8) each contribution, rebate, refund, or other receipt not otherwise listed under subsections (2) through (7) of this section during the reporting period;

(9) the total sum of all receipts received by or for the committee or candidate during the reporting period;

(10) other information that may be required by the commissioner to fully disclose the sources of funds used to support or oppose candidates or issues."

Section 260. Section 13-37-231, MCA, is amended to read:

"13-37-231. Reports to be certified as true and correct. (1) A report required by this chapter to be filed by a candidate or political committee shall be verified as true and correct by the oath or affirmation of the individual filing the report. The individual filing the report shall be the candidate or an officer of a political committee who is on file as an officer of the committee with the commissioner.

(2) A copy of a report or statement *filed by a candidate or political committee* shall be preserved by the individual filing it for a period *coinciding with the term of office for which the person was a candidate or for a period of 4 years, whichever is longer.*"

Section 261. **Party rules to be filed with the secretary of state.** The state central committee of each political party in this state must file a current copy of the rules of government of the party with the secretary of state.

Section 262. **County committee rules to be filed with the election administrator.** The county committee of each political party of this state must file a current copy of its rules of government with the election administrator.

Section 263. Section 7-2-2203, MCA, is amended to read:

"7-2-2203. Limitation on location of boundary of new county.

(1) Except as provided in subsection (2), no line of any new county shall pass within 15 miles of the courthouse situated at the county seat of the county sought to be divided.

(2) Such county line may be run within a distance of 10 miles of a county seat in cases where the natural contour of the county, by reason of mountain ranges or other topographical conditions, is such as to make it difficult to reach the county seat. In such cases, a petition signed by at least 50% of the *registered electors* in the proposed new county shall be presented to the judge of the district court in which the affected county is located, asking for the appointment of a commission of five disinterested *individuals*, who shall determine if the topographical conditions warrant the fixing of the county division lines closer than at 15 miles from the county seat, as such boundaries are legally fixed and determined at the date of the filing of the petition or petitions referred to in 7-2-2205 and 7-2-2212."

Section 264. Section 7-2-2205, MCA, is amended to read:

"7-2-2205. Petition for creation of new county. (1) Whenever it is desired to divide any county or counties and form a new county out of a portion of the territory of *the* then-existing county or counties, a petition shall be presented to the board of county commissioners of the county from which the new county is to be formed, in case said proposed new county is to be formed from but one county, or to the board of county commissioners of the county from which the largest area of territory is proposed to be taken for the formation of such new county, in case said new county is to be formed from portions of two or more existing counties.

(2) (a) *The* petition shall be signed by at least 50% of the *registered* electors of the proposed new county.

(b) In cases where the proposed new county is to be formed from portions of two or more counties, separate petitions shall be presented from the territory taken from each county, and each of *the* petitions shall be signed by at least 50% of the *registered* electors of *the* proposed portions.

(c) *The* signatures need not all be appended to one paper but may be signed to several petitions, which must be similar in form. When so signed, the several petitions may be fastened together and shall be treated and presented as one petition."

Section 265. Section 7-2-2211, MCA, is amended to read:

"7-2-2211. Hearing on petition — protest. (1) At the time fixed for *the* hearing, the board of county commissioners shall proceed to hear the petitioners and any opponents and protestants upon the petition or protests filed on or before the time fixed for the hearing. The board may adjourn such hearing from time to time, but not for more than 10 days after the time fixed for the hearing, and shall receive proof to establish or controvert the facts set forth in *the* petition.

(2) (a) No petition or protest or petition for the exclusion of territory shall be considered unless *it* is filed at least 1 day before the time fixed for the hearing.

(b) A petition for the exclusion of territory shall contain the names of not less than 50% of the *registered* electors who are resident property taxpayers of any territory to be excluded.

(c) All such territory being excluded must be in one block *containing* an area of not less than 36 square miles and be totally within one county and contiguous thereto.

(3) No withdrawals of signatures to the original petition for the creation of a proposed county shall be filed or considered which have not been filed with the county clerk on or before the date fixed for the hearing. No withdrawals of any signatures from the petition for the exclusion of territory shall be received or considered which are not filed within 5 days after the filing of the petition for such exclusion of territory."

Section 266. Section 7-2-2212, MCA, is amended to read:

"7-2-2212. Exclusions and additions of territory upon petition. (1) Except as provided in subsection (3), on final hearing, the board of commissioners, upon petition of not less than 50% of the *registered* electors (as shown by the official registration *records* on the day of the filing of *the* petition) of any territory lying within *the* proposed new county and contiguous to the boundary line of the proposed new county and of the old county from which such territory is proposed to be taken and lying entirely within *the* single old county and described in *the* petition, asking that *the* territory not be included within the proposed new county, must make such changes in the proposed boundaries as will exclude *the* territory from *the* new county and shall establish and define *the* boundaries. Petitions for exclusion shall be disposed of in the order in time in which they are filed with the clerk of the board.

(2) Except as provided in subsection (3), on final hearing, the board, upon petition of not less than 50% of the *registered* electors of any territory lying outside *the* proposed new county and contiguous to the boundary line of *the* proposed new county and of the old county or counties from which such territory is proposed to be included, asking that *the* territory be included within the proposed new county, must make such changes in the proposed boundaries as will include such territory in *the* new county and shall establish and define *the* boundaries.

(3) (a) The segregation of *the* territory from any old county or counties *must* not leave *the* county or counties with less than \$12 million of assessed valuation, based upon the last assessment roll.

(b) *The* change or changes made *must not* result in reducing the valuation of the proposed new county to less than an assessed valuation of \$10 million, inclusive of all assessed valuation.

(c) No change shall be made which *leaves* the territory so excluded separate and apart from and without the county of which it was formerly a part.

(4) On final determination of boundaries, no changes in the boundaries originally proposed *may* be made except as prayed for in said petition or petitions or to correct clerical errors or uncertainties."

Section 267. Section 7-2-2213, MCA, is amended to read:

"7-2-2213. Resolution of board of county commissioners. The board of county commissioners, on the final hearing of such petition or petitions, shall, by a resolution entered on its minutes, determine:

(1) the boundaries of the proposed new county, and the boundaries so determined by *the* board shall be the boundaries of *the* proposed new county if it is created as herein provided;

(2) whether the petition contains the genuine signatures of at least 50% of the *registered* electors of the proposed new county as herein required or, in cases where separate petitions are presented from portions of two or more existing counties as herein required, whether each petition is signed by at least 50% of the *registered* electors of that portion of each of *the* existing counties which is proposed to be taken into the proposed new county;

(3) whether any line of the proposed new county passes within 15 miles of the courthouse situated at the county seat of any county proposed to be divided, except as otherwise provided;

(4) whether the proposed new county will contain property, according to the last preceding assessment, which will equal in amount at least \$4 million, inclusive of all assessed valuation;

(5) whether the area of any existing county from which territory is taken to form *the* new county will be reduced to less than 1,200 square miles of surveyed land by taking the territory proposed to be taken therefrom to form *the* new county;

(6) whether the area of the proposed new county will contain at least 1,000 square miles of surveyed land to form *the* new county;

(7) the class to which *the* proposed new county will belong after its creation and the name of *the* proposed new county as stated in *the* petition;

(8) whether the area embraced within the proposed new county will be reasonably compact."

Section 268. Section 7-2-2214, MCA, is amended to read:

"7-2-2214. Division of territory of proposed county into various districts. The board of county commissioners shall divide the proposed new county into a convenient number of township, road, and school districts; define their boundaries; and designate the names of such districts if the board determines that:

(1) the formation of *the* proposed new county will not reduce any county from which any territory is taken to an assessed valuation of less than \$12 million, inclusive of the assessed valuation, or the area thereof to less than 1,200 square miles of surveyed land;

(2) the proposed new county contains property of an assessed valuation of at least \$10 million, inclusive of all assessed valuation, and the proposed new county has an area of at least 1,000 square miles of land;

(3) no line of *the* proposed new county passes within 15 miles of the courthouse situated at the county seat of any county proposed to be divided, except as otherwise provided; and

(4) *the* petition contains the genuine signatures of at least 50% of the *registered* electors of the proposed new county or, in cases where separate petitions are presented from portions of two or more existing counties as herein required, each of *the* petitions contains the genuine signatures of at least 50% of the *registered* electors of that portion of the proposed new county from which it is taken."

Section 269. Section 7-2-2215, MCA, is amended to read:

"7-2-2215. Election on question of creating new county — proclamation and notice. (1) Within 2 weeks after its determination of the truth of the allegations of *the* petition, the board of county commissioners shall order and give proclamation and notice of an election to be held on a specified day, not less than 90 days or more than 120 days thereafter, in the territory which is proposed to be taken for the new county, for the purpose of determining whether such territory shall be established and organized into a new county and for the election of officers and location of a county seat therefor in case the vote at *the* election is in favor of the establishment and organization of *the* new county.

(2) All *registered* electors residing within the proposed new county who are *registered* electors of the county or counties from which territory is taken to form *the* proposed new county and who are to be registered under the provisions of the registration laws of the state shall be entitled to vote at *the* election. Registration and transfers of registration shall be made and shall close in the manner and at a time provided by law for registration and transfers of registration for a general election in Montana.

(3) *The* proclamation and notice of election shall be published as *provided* in [section 6], and a copy thereof shall be mailed immediately by the *election administrator* of the county in which the petition is filed to the *election administrator* of each county from which territory is to be taken for the proposed new county.

(4) The proclamation calling the election and the notice thereof provided for in this part shall be made and given exclusively by the board with which the petition for the formation and establishment of *the* new county is filed."

Section 270. Section 7-2-2217, MCA, is amended to read:

"7-2-2217. Appointment of election officials. *The* board of county commissioners shall appoint election *judges* to act at the election provided for in 7-2-2215 and to be paid by *the* board."

Section 271. Section 7-2-2218, MCA, is amended to read:

"7-2-2218. Form of ballot. (1) The proclamation and notice required by 7-2-2215 shall require the *electors* to cast ballots which shall

contain the words "For the new county of... (giving the name of the proposed new county) — Yes" and "For the new county of... (giving the name of the proposed new county) — No", and each *elector* desiring to vote for the establishment and organization of *the* new county shall mark a cross (X) opposite the words "For the new county of... — Yes" in the manner now required by law in other elections, and each *elector* desiring to vote against the establishment and organization of *the* new county shall mark a cross (X) opposite the words "For the new county of... — No" in the manner now required by law in other elections.

(2) The ballots shall also contain the names of *individuals* to be voted for to fill the various elective offices designated in *the* proclamation for counties of the class to which *the* proposed county will belong, as determined by the board of county commissioners, as herein otherwise provided.

(3) There shall also be printed upon *the* ballot the words "For the county seat" and the names of all cities or towns which may have filed with the *election administrator* a petition, signed by at least 25 *registered* electors, nominating any city or town within the proposed new county for the county seat. The *elector* shall designate his choice for county seat by marking a cross (X) opposite the name of the city or town for which he desires to cast his ballot."

Section 272. Section 7-2-2219, MCA, is amended to read:

"7-2-2219. Conduct of election. (1) (a) The board issuing the proclamation and notice of election pursuant to 7-2-2215 shall cause the *election administrator* of the county to furnish to the *election judges* of each precinct in such proposed new county all election supplies and equipment necessary to conduct *the* election and which are not hereinafter specifically directed to be furnished by the *election administrator* of another county or counties.

(b) The *election administrator* of each county from which territory is taken for the proposed new county shall, not less than 5 days before the date of *the* election, furnish for each *precinct* within *the* proposed new county a *precinct* register for the precincts of *the* proposed new county which are within their respective counties.

(2) *The* election shall be governed and controlled by the general election laws of the state, so far as the same shall be applicable and except as otherwise provided herein. The provisions of the election laws relating to preparation, printing, and distribution of sample ballots, except the provisions of *the* laws relating to primary elections in this state, shall have application to any election provided for in this part.

(3) The returns of all elections for the creation of the county, for officers, and for location of the county seat as provided for in this part shall be made to and canvassed by the board of *county commissioners* of the county from which the largest area is taken by the proposed county. All returns of election herein provided for shall be made to the board calling such election.

(4) All nominations of candidates for the *offices* required to be filled at *the* election shall be made in the manner provided by law for the nomination of candidates by petition."

Section 273. Section 7-2-2222, MCA, is amended to read:

"7-2-2222. Effect of election — resolution by county commissioners. (1) If, upon the canvass of the votes cast at *the* election, it appears that more than 50% of the votes cast *on the issue* are "For the new county of... — Yes", the board of county commissioners shall, by a resolution entered upon its minutes, declare such territory duly formed and created as a county of this state, of the class to which the same *belongs* and under the name of... County, and that the city or town receiving the highest number of votes cast at *the* election for county seat shall be the county seat of *the* county until removed in the manner provided by law and designate and declare the *individuals* receiving, respectively, the highest number of votes for the several offices to be filled at *the* election to be duly elected to *the* offices.

(2) However, if upon such canvass it appears that more than 50% of the votes cast *on the issue* at *the* election are "For the new county of... — No", the board canvassing *the* vote as provided herein shall pass a resolution in accordance therewith, and thereupon the proceedings relating to division of such county or counties shall cease. No other proceedings in relation to any other division of *the* old county or counties shall be instituted for at least 2 years after such determination."

Section 274. Section 7-2-2223, MCA, is amended to read:

"7-2-2223. Procedure to complete creation of county. (1) The board of county commissioners shall forthwith cause a copy of its resolution, authorized by 7-2-2222(1) and duly certified, to be filed in the office of the secretary of state. Ninety days after the date of such filing:

(a) said new county shall be *considered* to be fully created;

(b) the organization thereof shall be *considered* completed; and

(c) *the* officers shall be entitled to enter immediately upon the duties of their respective offices upon qualifying in accordance with law and giving bonds for the faithful performance of their duties as required by the laws of the state.

(2) (a) *The election administrator* of the county with which *the* petition was filed as herein provided must immediately make out and deliver to each of *the individuals* declared and designated to be elected a certificate of election authenticated by his signature and the seal of *the* county. The *individuals* elected members of the board and the county clerk shall, immediately upon receiving their certificates of election, assume the duties of their respective offices.

(b) All other officers take office 90 days after the filing of the resolution herein provided for with the secretary of state."

Section 275. Section 7-2-2302, MCA, is amended to read:

"7-2-2302. Role of county clerk of county created by legislature. (1) *The individual* appointed to the office of county clerk in the bill creating the county shall be notified in writing, by the county commissioners or some one of them, of the time and place of the meeting required

by 7-2-2301. He must attend the meeting and act as the clerk thereof and keep a record of the proceedings.

(2) If no *individual* is appointed to the office of county clerk by the act creating the county, the commissioners shall at the meeting select some *individual* qualified to hold the office of county clerk to act as clerk of the meeting.

(3) *The individual appointed county clerk shall also serve as election administrator."*

Section 276. Section 7-2-2312, MCA, is amended to read:

"7-2-2312. Election on question of locating permanent county seat. (1) Except as provided in subsection (2), at the first general election after the creation of the county, it shall be the duty of the board of county commissioners and *election administrator* to have separate official ballots printed and distributed for the use of the electors at said election. The ballots shall be in the form and contain the same matter as the ballots provided for in 7-2-2316, and the provisions of 7-2-2316(4) and 7-2-2318 shall apply to and govern the manner of voting and of canvassing said ballots. The board shall declare the result of such election and the location of the permanent county seat, and said county seat shall be located in the manner and according to the provisions of 7-2-2318.

(2) (a) At any time within 6 months after the passage of an act creating a new county, a petition or petitions may be filed with the *election administrator* of such county asking the board to submit the question of the location of the permanent county seat to the electors of the county at a special election to be called and held in the manner provided in this part.

(b) Said petition or petitions must contain in the aggregate the names of at least 100 qualified electors whose names also appear as registered electors in some registration district established and existing in the territory embraced in the new county at the last general election held therein. The petition or petitions, when filed with the board, must also have certificates attached thereto from the *election administrator* of the county in which the *individual* or *individuals* signing the petition resided before the creation of the new county, certifying that the names of the *individuals* signing said petition or petitions appear in the registration books of his county containing the names of the electors registered in the last general election in the districts now embraced in the new county."

Section 277. Section 7-2-2313, MCA, is amended to read:

"7-2-2313. Procedure to hold special election. (1) Upon filing the petition or petitions, duly certified as provided in 7-2-2312, with the *election administrator* of the new county, he must immediately notify the chairman of the board of county commissioners who, upon receipt of such notice, must call a meeting of the board, to be held within 10 days after the filing of the petition, for the purpose of considering the same. If the board at such meeting finds that said petition conforms to the requirements of and is in accordance with the provisions of 7-2-2312, it shall at the meeting, by a resolution *entered in its minutes*, call a special election

of the *registered* electors of said county for the purpose of voting upon the question of the location of the permanent county seat.

(2) The election shall be held on Tuesday and not less than 40 or more than 60 days after the date of calling the same. The board must issue an election proclamation containing a statement of the time of the election and the question to be submitted. A copy of this proclamation must be published in some newspaper printed in the county, if any, and posted at each place of election at least 10 days before the election."

Section 278. Section 7-2-2314, MCA, is amended to read:

"7-2-2314. Establishment of precincts and polling places — appointment of deputy registrars. (1) At the meeting of the board at which the special election is called for the purpose of locating the permanent county seat, the board shall, by resolution *entered in its minutes*, divide the county into *precincts* and establish polling *places* in the manner provided by law.

(2) It must also, at the same session of the board, appoint *deputy registrars* for the several *precincts* established by it, who must possess the qualifications required by law for *deputy registrars*."

Section 279. Section 7-2-2315, MCA, is amended to read:

"7-2-2315. Appointment of election judges. (1) At the same meeting of the board of county commissioners at which the special election for the location of the permanent county seat is called, the board shall appoint three judges of election for each precinct in the county, who shall act as the judges at the election. The judges appointed for the special election must qualify as required by the general election law.

(2) It shall be the duty of the *election administrator* to have printed and distributed to the *election judges* the necessary ballots, the form of which shall be as provided in 7-2-2316 and 7-2-2319, and also supply the judges with the necessary *supplies* required to hold such election in the manner provided by law."

Section 280. Section 7-2-2702, MCA, is amended to read:

"7-2-2702. Petition for abandonment of county. (1) A petition may be filed with the county clerk of a county asking that the question of abandoning and abolishing the organization and corporate existence of the county and attaching its territory to and making the same a part of some adjoining county be submitted to the qualified electors of the county at an election. The petition shall state the name of the adjoining county to which the territory of the county to be abandoned and abolished shall be attached and made a part.

(2) The petition shall be signed by not less than 35% of the qualified electors of the county whose names appear upon the registration records of such county, shall contain the post-office address and voting precinct of each *individual* signing it, and shall state the name and address of three *individuals* to whom notice of the insufficiency of the petition shall be sent in the event that the petition *does not* have the required number of signatures of *registered* electors signed thereto. No person, after signing

any such petition, shall be allowed or permitted to withdraw his signature or name therefrom."

Section 281. Section 7-2-2703, MCA, is amended to read:

"7-2-2703. Processing of petition — certification to county commissioners. (1) It shall be the duty of the *election administrator*, within 30 days after the filing of *the* petition, to examine *it* and to ascertain and determine from the registration records of the county whether *the* petition is signed by the required number of *registered* electors. *The election administrator* may be authorized by the board of county commissioners to employ additional help in his office to assist him in the work of examining *the* petition, and *the* board shall provide for their compensation.

(2) When *the* examination is completed, *the election administrator* shall forthwith attach to *the* petition his certificate, properly dated and signed, showing the result of his examination. If *the* certificate shows that *the* petition is signed by the required number of *registered* electors, *the election administrator* shall immediately present *the* petition to the board if *the* board is then in session; otherwise, at its first regular meeting after the date of *the* certificate."

Section 282. Section 7-2-2704, MCA, is amended to read:

"7-2-2704. Hearing on petition by county commissioners — notice. (1) Whenever any such petition is presented to the board of county commissioners of a county with a certificate of the *election administrator* attached thereto and showing that *the* petition has been signed by not less than 35% of the *registered* electors of *the* county whose names appear upon the registration records of *the* county, as provided in 7-2-2702 and 7-2-2703, *the* board shall, immediately upon presentation of *the* petition, make and enter an order in its minutes fixing a day for considering and taking final action on *the* petition. The date for final action shall be not less than 30 or more than 35 days after the date when *the* order is made.

(2) The board shall cause a notice to be published in the official newspaper of the county to the effect that *the* petition has been presented to *the* board asking for the abandonment and abolishment of the county and that *the* board will meet at the time specified in *the* order for considering and taking final action on *the* petition, at which time any registered electors of the county interested therein may appear and be heard thereon. *The* notice shall be published once a week for 2 successive weeks immediately following the making of *the* order."

Section 283. Section 7-2-2706, MCA, is amended to read:

"7-2-2706. Processing of petition to amend proposed consolidation — certification to county commissioners. Whenever any petition is filed under 7-2-2705, the *election administrator* shall immediately examine the same and determine from the registration records of the county whether *the* petition has been signed by the required number of registered electors and shall attach thereto his certificate showing the total number of registered electors residing within the boundaries described in

the petition and the number thereof whose names appear on said petition and shall deliver *the* petition, with *the* certificate attached, to the board of county commissioners when *the* board meets to consider and take final action on *the* petition for abandonment."

Section 284. Section 7-2-2708, MCA, is amended to read:

"7-2-2708. Form of resolution. The resolution authorized by 7-2-2707 shall be in substantially the following form:

Whereas, there has been filed with the *election administrator* of (name) county, Montana, a petition asking that the organization and corporate existence of *the* county be abandoned and abolished and its territory attached to and made a part of an adjoining county, the county of (name), Montana; and

Whereas, *the* petition has been presented to the board of county commissioners of (name) County, with a certificate of the *election administrator* of *the* county attached thereto showing that *the* petition has been signed by not less than 35% of the registered electors of *the* county; and

(If a petition for attaching any part or portion of the county, in case of abandonment, to an adjoining county or counties other than the county named in the petition for abandonment and found to have been signed by the required number of registered electors, insert the following for each petition):

Whereas, there has been filed a petition signed by not less than 50% of the registered electors residing within that part or portion of *the* county described as (give description as contained in petition), praying that the part or portion of *the* county within *the* boundaries be attached to and made a part of the county of (name of county given in petition) if *the* county is abandoned.

Now, therefore, be it resolved that if (name) County shall be abandoned and abolished, the territory embraced within its boundaries shall be attached to and become part of the following: (if all to be attached to one adjoining county so state, but if parts or portions to any other county or counties, then describe the part or portion to go to each adjoining county as well as to the county named in the petition for abandonment).

Be it further resolved that the county clerk of (name) County, Montana, make copies of this resolution, each with a copy of said petition for abandonment with the signatures omitted therefrom (and copies of petitions for attaching parts or portions of said county to adjoining county or counties other than the county named in the petition for abandonment, if any were filed and found sufficient, with signatures omitted), and certify to the same and affix the seal of the county thereto and transmit one of *the* copies to the governor of Montana and one of *the* copies to the clerk of each county to which any part of *the* county is to be attached if abandoned."

Section 285. Section 7-2-2709, MCA, is amended to read:

"7-2-2709. Special election on question of abandonment and consolidation. (1) (a) Upon receipt of a certified copy of the resolution

provided for in 7-2-2707, the governor shall, within 10 days thereafter, issue his proclamation calling a special election in the county in which the petition referred to in the resolution was filed and in each county designated in the resolution as a county to which any of the territory of the county, if abandoned and abolished, shall be attached and made a part.

(b) The proclamation shall fix a day for holding the election in such counties, which shall be not less than 90 days or more than 120 days after the date of the governor's proclamation calling the same, provided that if a general election will be held in the counties not less than 90 days or more than 120 days after the date of such proclamation, the governor, in the proclamation, shall direct that the question be submitted to the registered electors of the counties at the general election. The proclamation shall be filed in the office of the secretary of state, and copies thereof shall be transmitted by the governor to the election administrator of each of the counties in which the election is to be held.

(2) At the election there shall be submitted:

(a) to the registered electors of the county in which the petition was filed, the question of whether or not the county shall be abandoned and abolished and its territory attached to and made a part of the county designated and named for the purpose in the petition; and

(b) to the registered electors of each county named and designated in the resolution as a county to which a part of the territory of the county proposed to be abandoned and abolished shall be attached and made a part if the county shall be so abandoned and abolished, the question of whether or not the part of the territory of the county, if abandoned and abolished, described in the resolution shall be attached to and become a part of the county."

Section 286. Section 7-2-2710, MCA, is amended to read:

"7-2-2710. Procedure to hold election. (1) The election administrator of each of the counties, after receiving a copy of the election proclamation, shall present it to the board of county commissioners if the board is then in session or, if not in session, then at the first meeting held thereafter. The board of county commissioners of each of the counties shall issue the proclamations and give the notices of election which are required by the general laws of this state when questions are to be submitted to the qualified electors of a county at an election. The proclamation and notices shall include a description of the boundaries of that part of the county proposed to be abandoned and attached to and made a part of such county if the county is abandoned.

(2) The election administrator of each of the counties shall give notice of the closing of the registration books and shall cause the same to be closed at the time and in the manner provided by the general registration and election laws of this state.

(3) The election shall be held, voted, counted, and returns made and canvassed in the manner provided by the general election laws of this state."

Section 287. Section 7-2-2712, MCA, is amended to read:

"7-2-2712. Canvass of returns — proclamation of results. (1) The board of county commissioners of each county, acting as a canvassing board, must, within 10 days after the holding of the election, canvass the returns of the election. Within 5 days thereafter, the election administrator of each county must make and enter in the records of the board a statement of the vote in the county and transmit to the secretary of state, by registered or certified mail, an abstract thereof, which shall be marked "election returns".

(2) Within 10 days after receiving the abstracts from all counties in which the election was held and on notice from the secretary of state, the board of state canvassers shall meet and canvass, compute, and determine the vote. The secretary of state, as secretary of the board, must make and file in his office a statement of it and transmit a copy thereof to the governor.

(3) Upon receipt of the copy, the governor shall issue a proclamation declaring the result of the election and shall file a copy of the proclamation in the office of the secretary of state and transmit a copy of the proclamation to the county clerk of each of the counties in which such election was held. Each county clerk shall file the same in his office and present the same to the board of county commissioners of his county if the board is then in session; otherwise, at the first meeting of the board after the copy has been received by the clerk."

Section 288. Section 7-2-2726, MCA, is amended to read:

"7-2-2726. Status of printing contracts. (1) If the abandoned and abolished county has theretofore entered into a printing contract in accordance with the provisions of part 24 of chapter 5 and the contract is in full force and effect on the date when the county ceases to exist, all supplies and printing for the county designated in the petition for abandonment as the county to which the territory of the abandoned and abolished county is attached and made a part shall be divided by the board of county commissioners of the county between the contract and any similar existing contract entered into by the board in such manner as the board considers equitable and just to the holders of both such contracts until the contract entered into by the abandoned and abolished county expires.

(2) When a petition has been filed with the election administrator of a county for the abandonment and abolishment of the county in accordance with the provisions of 7-2-2702 and 7-2-2703, the board of county commissioners of the county shall not thereafter enter into any contract under the provisions of part 24 of chapter 5 until the time has expired when the petition may be presented to the board by the county clerk as provided in 7-2-2702 and 7-2-2703."

Section 289. Section 7-2-4101, MCA, is amended to read:

"7-2-4101. Petition to organize municipalities. (1) Whenever the inhabitants of any part of a county desire to be organized into a city or town, they may apply by petition in writing, signed by not less than two-thirds of the registered electors but not more than 300 such electors,

who are residents of the state and residing within the limits of the proposed incorporation, to the board of county commissioners of the county in which the territory is situated.

(2) (a) The petition must describe the limits of the proposed city or town and of the several wards thereof, each of which shall contain 150 or more *registered* electors and must not exceed 1 square mile for each 500 inhabitants resident therein.

(b) The petitioners must annex to the petition a map of the proposed territory to be incorporated and state the name of the city or town.

(3) The petition and map must be filed in the office of the *election administrator*."

Section 290. Section 7-2-4104, MCA, is amended to read:

"7-2-4104. Election on question of organization. (1) After filing the petition and census, if there *is* the requisite number of inhabitants for the formation of a municipal corporation as required in 7-2-4103, the county commissioners must call an election of all the *registered* electors residing in the territory described in the petition.

(2) *The* election must be held at a convenient place within the territory described in the petition, to be designated by the board.

(3) The ballots used at the election must *contain the words* "For incorporation" or "Against incorporation", and all elections must be conducted as provided in Title 13."

Section 291. Section 7-2-4105, MCA, is amended to read:

"7-2-4105. Notice of election on question of organization. Notice of the election *shall be published as provided in [section 6]*. The notice *shall* contain a description of the boundaries of the city or town."

Section 292. Section 7-2-4106, MCA, is amended to read:

"7-2-4106. First election for officers. (1) When the incorporation of a city or town is completed, the board of county commissioners must give notice for 30 days in a newspaper published within the limits of the city or town or, if none *is* published therein, by posting notices in six public places within the limits of the corporation of the time and place or places of holding the first election for offices of the corporation.

(2) At such election all the electors qualified by the general election laws of the state who have resided within the limits of the city or town for 6 months and within the limits of the ward for 30 days preceding the election are qualified electors and may choose officers for the city or town, to hold office as prescribed in 7-2-4107.

(3) The board must appoint *election* judges and canvass and declare the result thereof. The election must be conducted in the manner required by law for the election of county officers."

Section 293. Section 7-2-4601, MCA, is amended to read:

"7-2-4601. Annexation by petition. (1) The boundaries of any incorporated city or town, whether heretofore or hereafter formed, may be altered and new territory or territories annexed thereto, incorporated and included therein, and made a part thereof upon proceedings being had and taken as provided in this part.

(2) The council or other legislative body of any such municipal corporation, upon receiving a written petition therefor containing a description of the new territory or territories asked to be annexed to *the* corporation and signed by not less than 33 $\frac{1}{3}$ % of the *registered* electors of the territory proposed to be annexed, must without delay submit to the electors of *the* municipal corporation and to the *registered* electors residing in the territory or territories proposed by *the* petition to be annexed to *the* corporation, the question whether *the* new territory or territories shall be annexed to, incorporated in, and made a part of *the* municipal corporation."

Section 294. Section 7-2-4602, MCA, is amended to read:

"7-2-4602. Election on question of annexation by petition. (1) The question of annexation may be submitted at the next general municipal election to be held in *the* municipal corporation or it may be submitted prior to *the* general election, either at a special election called for that purpose or at any other municipal election, except an election at which the submission of such question is prohibited by law.

(2) The election shall be conducted and the returns made in the same manner as other city or town elections. All election laws governing city and town elections shall govern, insofar as they are applicable.

(3) Whenever the question of annexation under this title is submitted at either a general city or town election or at a special election, separate ballots, shall be provided therefor."

Section 295. Section 7-2-4603, MCA, is amended to read:

"7-2-4603. Notice of election. (1) The council or legislative body *shall publish notice of the election as provided in [section 6]*.

(2) Such notice shall distinctly state the proposition to be submitted, i.e., that it is proposed to annex to, incorporate in, and make a part of such municipal corporation the territory or territories sought to be annexed, specifically describing the boundaries thereof.

(3) *The* notice of election *shall* designate the date of *the* election."

Section 296. Section 7-2-4902, MCA, is amended to read:

"7-2-4902. Disincorporation by election. (1) Any city or town may be disincorporated in the manner hereafter provided.

(2) If the *registered* electors of a city or town equal in number to 20% of the number of *electors* voting at the last regular municipal election petition the board of county commissioners of the county where the city or town is situated to disincorporate the city or town, the board shall order, within 60 days, that a special election be held within the city or town on

the question of disincorporating the city or town. The day for holding the election shall be not less than 60 days or more than 120 days after the board orders the election."

Section 297. Section 7-2-4903, MCA, is amended to read:

"7-2-4903. Notice of election on question of disincorporation. Notice of the election provided for in 7-2-4902 shall be published *as provided in [section 6].*"

Section 298. Section 7-2-4904, MCA, is amended to read:

"7-2-4904. Details of election on disincorporation. (1) The election shall be conducted in the same manner as a regular city or town election. The election returns shall be made and canvassed in the same manner as are general election returns.

(2) The form of the ballot shall be:

- ☐ FOR the disincorporation of.... (insert name of city or town)
- ☐ AGAINST the disincorporation of.... (insert name of city or town)."

Section 299. Section 7-5-132, MCA, is amended to read:

"7-5-132. Procedure to exercise right of initiative or referendum. (1) The electors may initiate and amend ordinances and require submission of existing ordinances to a vote of the people by petition. If submitted prior to the ordinance's effective date, a petition requesting a referendum on the ordinance shall delay the ordinance's effective date until the ordinance is ratified by the electors. A petition requesting a referendum on an emergency ordinance filed within 30 days of its effective date shall suspend the ordinance until ratified by the electors.

(2) The governing body may refer existing or proposed ordinances to a vote of the people by resolution.

(3) A petition or resolution for initiative or referendum shall:

- (a) embrace only a single comprehensive subject;
- (b) set out fully the ordinance sought by petitioners or, in the case of an amendment, set out fully the ordinance sought to be amended and the proposed amendment or, in the case of referendum, set out the ordinance sought to be repealed;
- (c) be in the form prescribed in Title 13, chapter 27, except as specifically provided in this part; and
- (d) contain the signatures of 15% of the registered electors of the local government."

Section 300. Section 7-5-136, MCA, is amended to read:

"7-5-136. Submission of question to electors. (1) Any ordinance proposed by petition or any amended ordinance proposed by petition or any referendum on an ordinance which is entitled to be submitted to the

electors shall be voted on at the next regular election to be held in the local government unless:

- (a) the petition asks that the question be submitted at a special election and is signed by at least 25% of the electors of the local government, in which case the governing body shall call a special election; or
- (b) the governing body calls for a special election on the question.

(2) A special election may not be held sooner than 60 days after the adequacy of the petition is determined by the election administrator or the governing body orders a special election.

(3) If the adequacy of the petition is determined by the election administrator less than 45 days prior to the next regular election, the election shall be delayed until the following regular election unless a special election is called.

(4) Whenever a measure is ready for submission to the electors, the appropriate election administrator shall in writing notify the governing body and shall publish notice of the election and the ordinance which is to be proposed or amended. In the case of a referendum, the ordinance sought to be repealed shall be published.

(5) The question shall be placed on the ballot, giving the electors a choice between accepting or rejecting the proposal.

(6) If a majority of those voting favor the proposal, it becomes effective when the election results are officially declared unless otherwise stated in the proposal."

Section 301. Section 7-3-4334, MCA, is amended to read:

"7-3-4334. Procedure to abandon commission-manager form of government. (1) Any municipality which shall have operated for more than 2 years under the provisions of this part and part 44 may abandon its organization hereunder and accept the provisions of the general law of the state applicable to municipalities of its population.

(2) Upon the petition of the registered electors of such municipality equal to 25% of the number registered for the last preceding general election, a special election shall be called, at which the following proposition only shall be submitted:

"Shall the (city or town) of (name of city or town) abandon its organization under parts 43 and 44 of chapter 3 of Title 7 and become a (city or town) under the general law governing (cities or towns) of like population or, if formerly organized under special charter, resume said special charter?"

(3) If the majority of the votes cast at the special election are in favor of such proposition, the officers elected at the next succeeding biennial election shall be those then prescribed by the general laws of the state for municipalities of like population, and upon the qualification of the officers, the municipality shall become a municipality under the general law of the

state, but *the* change shall not in any manner or degree affect the property, rights, or liabilities of any nature of *the* municipality but shall merely extend to each change in its form of government.

(4) The sufficiency of *the* petition shall be determined, the election ordered and conducted, and the results declared as provided for by the provisions of *Title 13* insofar as the provisions thereof are applicable. Whenever the form of government of a municipality is determined by a vote of the people under the provisions of this section, the same question may not be submitted again for a period of 2 years and any ordinance adopted by the vote of the people shall not be repealed or the same question submitted for a period of 2 years."

Section 302. Section 7-3-4341, MCA, is amended to read:

"7-3-4341. General provisions relating to elections. (1) Except as otherwise provided in this part and part 44, *all elections shall be conducted as provided in Title 13.*

(2) *Elected officials provided for in this part and part 44 shall be nominated and elected under the provisions of [sections 139 through 146].*

Section 303. Section 7-4-2611, MCA, is amended to read:

"7-4-2611. Role and duties of county clerk. (1) The county clerk of any county is also clerk of the county commissioners and ex officio recorder. Any duty imposed by law upon such officer, either as county clerk, clerk of the county commissioners, or recorder, shall be performed by the county clerk, and any official act performed or certified by the county clerk shall be as valid and effectual as if performed and certified to by him as clerk of the county commissioners or as recorder.

(2) The county clerk must:

(a) take charge of and safely keep or dispose of according to law all books, papers, maps, and records which may be filed or deposited in his office;

(b) record all the proceedings of the board;

(c) make full entries of all its resolutions and decisions on all questions concerning the raising of money for and the allowance of accounts against the county;

(d) record the vote of each member on any question upon which there is a division or at the request of any member present;

(e) sign all orders made and warrants issued by order of the board for the payment of money and certify the same to the county treasurer;

(f) record the reports of the county treasurer of the receipts and disbursements of the county;

(g) preserve and file all accounts acted upon by the board;

(h) preserve and file all petitions and applications for franchises and record the action of the board thereon;

(i) record all orders levying taxes;

(j) designate upon every account allowed by the board the amount allowed and deliver to any person who may demand it a certified copy of any record in his office or any account on file therein;

(k) as often as a new township is organized or the boundaries of any township are altered, immediately make out and transmit to the secretary of state a certified statement of the names and boundaries and the boundaries of any township altered;

(l) keep such other records and books and perform such other duties as are prescribed by law or by rule or order of the board.

(3) A county clerk and recorder shall file, code, and cross-index all reports and statements filed as prescribed by the commissioner of campaign finances and practices.

(4) A county clerk and recorder shall make statements and other information filed with his office available for public inspection and copying during regular office hours and make copying facilities available free of charge or at a charge not to exceed actual cost."

Section 304. Section 7-5-4322, MCA, is amended to read:

"7-5-4322. Election on question of granting franchise. (1) *Notice of the election shall be published as provided in [section 6].* The notice must state the time and place of holding the election, the character of any such franchise applied for, and the valuable consideration, if there is any, to be derived by the city.

(2) At such election the ballots must contain the words "For granting franchise" and "Against granting franchise", and in voting, the elector must make a cross (X) opposite the answer he intends to vote for. *The election must be conducted and canvassed and the return made in the same manner as other city or town elections.*

(3) If the majority of the votes cast at the election are "For granting franchise", the mayor and city council must thereupon grant the same by the passage and approval of a proper ordinance."

Section 305. Section 7-6-4434, MCA, is amended to read:

"7-6-4434. Notice of election on question of additional mill levy. Where the question of making such additional levy is so submitted, notice thereof shall be given *as provided for in [section 6].*"

Section 306. Section 7-6-4436, MCA, is amended to read:

"7-6-4436. Conduct of election. *The election will be conducted as provided by Title 13.*"

Section 307. Section 7-7-2223, MCA, is amended to read:

"7-7-2223. Petition and election required for issuance of certain bonds. (1) County bonds for any purpose other than those enumerated in 7-7-2221 and 7-7-2311 may not be issued unless authorized at a duly called special or general election at which the question of issuing such

bonds is submitted to the *registered* electors of the county and approved as provided in 7-7-2237.

(2) No bond election may be called unless the board of county commissioners receives a petition, delivered and certified by the *election administrator*, asking that such election be held and *the* question be submitted. The petition must be signed by at least 20% of the *registered* electors of the county."

Section 308. Section 7-7-2224, MCA, is amended to read:

"7-7-2224. Form and contents of petition. (1) Every petition for the calling of an election to vote upon the question of issuing county bonds shall plainly and clearly state the purpose or purposes for which the proposed bonds are to be issued and shall contain an estimate of the amount necessary to be issued for such purpose or purposes. There may be a separate petition for each purpose, or two or more purposes may be combined in one petition if each purpose, with an estimate of the amount of bonds necessary to be issued therefor, is separately stated in the petition.

(2) *The petition shall be in the form provided in Title 13, chapter 27.*

Section 309. Section 7-7-2225, MCA, is amended to read:

"7-7-2225. Filing of petition with election administrator — certificate. (1) The completed petition shall be filed with the *election administrator*. The *election administrator* shall, within 15 days thereafter, carefully examine the petition and the county records showing the qualifications of the petitioners and attach a certificate, under his official signature and the seal of his office.

(2) The certificate shall set forth:

(a) the total number of *individuals* who are registered electors;

(b) which and how many of the *individuals* whose names are subscribed to the petition possess all of the qualifications required of signers of such a petition;

(c) whether such qualified signers constitute more or less than 20% of the registered electors of the county."

Section 310. Section 7-7-2226, MCA, is amended to read:

"7-7-2226. Delivery of certified petition to board of county commissioners. (1) After completing the certificate required by 7-7-2225, the *election administrator* shall deliver the certified petition to the board of county commissioners.

(2) When *the* petition has been filed with the *election administrator* and he has found that it has a sufficient number of signers qualified to sign *it*, he shall place *it* before the board at its first meeting held after he has attached his certificate thereto."

Section 311. Section 7-7-2227, MCA, is amended to read:

"7-7-2227. Examination of petition — resolution calling for election. (1) Upon delivery of the certified petition, the board shall carefully examine the petition and make such other investigation as it may *consider* necessary. If it is found that the petition is in proper form, bears the requisite number of signers of qualified petitioners, and is in all other respects sufficient, the board shall pass and adopt a resolution.

(2) The resolution shall:

(a) recite the essential facts in regard to the petition and its filing and presentation and the purpose or purposes for which the bonds are proposed to be issued;

(b) fix the exact amount of bonds proposed to be issued for each purpose, which amount may be less than but must not exceed the amount set forth in the petition;

(c) determine the number of years through which such bonds are to be paid, not exceeding the limitations fixed in 7-7-2206; and

(d) make provision for having *the* question submitted to the *registered* electors of the county at the next general election or at a special election which the board may call for *that* purpose."

Section 312. Section 7-7-2228, MCA, is amended to read:

"7-7-2228. Time of holding election on question of issuing bonds. The bond election required by 7-7-2223 may not be held any sooner than 90 days after receipt of the petition by the county commissioners and must be held no later than the first general election following the 90-day period."

Section 313. Section 7-7-2229, MCA, is amended to read:

"7-7-2229. Notice of election. (1) Whether such election is held at the general election or at a special election, separate notice shall be given thereof.

(2) (a) *The* notice shall state:

(i) the date when *the* election will be held;

(ii) the hours between which the polls will be open;

(iii) the amount of bonds proposed to be issued;

(iv) the purpose of the issue;

(v) the term of years through which the bonds are to be paid; and

(vi) such other information regarding the holding of the election and the bonds proposed to be issued as the board may *consider* proper.

(b) If bonds are to be issued for two or more purposes, each purpose and the amount therefor must be separately stated.

(3) *The* notice shall be published as provided in [section 6]."

Section 314. Section 7-7-2237, MCA, is amended to read:

"7-7-2237. Percentage of electors required to authorize bond issue. (1) Whenever the question of issuing county bonds for any purpose is submitted to the *registered* electors of a county at either a general or special election, not less than 40% of the *registered* electors entitled to vote on the question must vote thereon; otherwise, the proposition shall be *considered* to have been rejected.

(2) If 40% or more of the *registered* electors do vote on the question at the election and a majority of the votes shall be cast in favor of the proposition, then the proposition shall be *considered* to have been approved and adopted."

Section 315. Section 7-7-4221, MCA, is amended to read:

"7-7-4221. Election on question of incurring indebtedness — exception. (1) Except as provided in subsection (2), whenever the council or commission of any city or town having a corporate existence in this state or hereafter organized under any of the laws thereof shall *consider* it necessary to issue bonds pledging the general credit of the municipality for any purpose whatever under its powers as set forth in any statute or statutes of this state or amendments thereto, the question of issuing such bonds shall first be submitted to the *registered* electors of the city or town in the manner hereinafter set forth.

(2) It shall not be necessary to submit to the electors the question of issuing refunding bonds to refund bonds theretofore issued and then outstanding or the question of issuing revenue bonds not pledging the general credit of the municipality under any laws of this state.

(3) No bonds shall be issued by a city or town pledging the general credit of the municipality for any purpose except to fund or refund warrants or bonds issued prior to and outstanding on July 1, 1942, as authorized in this section, unless authorized at a duly called special or general election at which the question of issuing such bonds is submitted to the *registered* electors of the city or town and approved as hereinafter provided."

Section 316. Section 7-7-4226, MCA, is amended to read:

"7-7-4226. Resolution to submit question of issuing bond to voters. (1) When the council or commission of any city or town *considers* it necessary to issue bonds pledging the general credit of the municipality pursuant to any statute of this state, the council shall pass and adopt a resolution.

(2) The resolution shall:

(a) recite the purpose or purposes for which it is proposed to issue such bond;

(b) fix the amount of bonds to be issued for each purpose;

(c) determine the number of years through which the bonds are to be paid, not exceeding the limits fixed in 7-7-4201; and

(d) unless the bonds are revenue bonds not pledging the general credit of the municipality, make such provisions as are necessary for having the

question submitted to the *registered* electors of the city or town at the next general city or town election or at a special election which the council or commission may call for the purpose.

(3) In cases where the bond issuance is proposed by petition, the council or commission shall, before submitting the measure to the electorate, pass a resolution containing the information herein required and, in addition thereto, setting forth the essential facts in regard to the filing and presentation of the petition."

Section 317. Section 7-7-4227, MCA, is amended to read:

"7-7-4227. Notice of election. (1) Whether such election is held at the general city or town election or at a special election, separate notice shall be given thereof.

(2) (a) The notice shall state:

(i) the date when the election will be held;

(ii) the hours between which the polls will be open;

(iii) the amount of bonds proposed to be issued;

(iv) the purpose thereof;

(v) the term of years through which the bonds will be paid; and

(vi) such other information regarding the election and the proposed bonds as the board may *consider* proper.

(b) If the bonds proposed to be issued are for two or more purposes, each purpose and the amount thereof must be separately stated.

(3) The notice shall be:

(a) posted in each voting precinct in the city or town at least 10 days prior to the date for holding the election; and

(b) published as provided in [section 6]."

Section 318. Section 7-7-4235, MCA, is amended to read:

"7-7-4235. Percentage of electors required to authorize the issuing of bonds. (1) Wherever the question of issuing bonds for any purpose is submitted to the *registered* electors of a city or town at either a general or special election, not less than 40% of the *registered* electors entitled to vote on the proposition or question must vote thereon; otherwise, the proposition shall be *considered* to have been rejected.

(2) If 40% or more of the *registered* electors do vote on the proposition or question at the election and a majority of the votes are cast in favor of the question or proposition, then the proposition or question shall be *considered* to have been adopted and approved."

Section 319. Section 7-13-2210, MCA, is amended to read:

"7-13-2210. Notice of election. (1) The notice of election required by 7-13-2208 shall describe the boundaries established and shall state the

proposed name of the proposed incorporation (which name shall contain the words ".... *County water and/or sewer district*").

(2) This notice shall be published *as provided in [section 6].*"

Section 320. Section 7-13-2211, MCA, is amended to read:

"7-13-2211. Conduct of election on question of creating district. (1) The election on the question of creating the district shall be conducted, the vote canvassed, and the result declared in the same manner as provided by *Title 13* in respect to general elections, so far as it is applicable, except as otherwise provided in this part and part 23.

(2) At the election the proposition to be submitted shall be: "Shall the proposition to organize *County water and/or sewer district* under parts 22 and 23 of chapter 13 of Title 7 be adopted?"

Section 321. Section 7-13-2212, MCA, is amended to read:

"7-13-2212. Qualifications to vote on question of creating district. (1) Except as provided in subsection (2), no *individual* shall be entitled to vote at any election under the provisions of this part and part 23 unless such *individual* possesses all the qualifications required of *electors* under the general election laws of the state and is a resident of the proposed district or the owner of taxable real property located within the county in which he proposes to vote and situated within the boundaries of the proposed district.

(2) An *individual* who is the owner of such real property need not possess the qualifications required of an *elector* in 13-1-111(1)(c), provided that such *elector* is qualified if he is registered to vote in any state of the United States and files proof of such registration with the election administrator."

Section 322. Section 7-13-2231, MCA, is amended to read:

"7-13-2231. District to be governed by board of directors. (1) At an election to be held within a district under the provisions of this part and part 23 and the laws governing general elections not inconsistent therewith, the district thus organized shall proceed, within 120 days after its formation, to the election of a board of directors.

(2) The board of directors is the governing body of such district."

Section 323. Section 7-13-2234, MCA, is amended to read:

"7-13-2234. Term of office. (1) All directors elected or appointed shall hold office until the election and qualification or appointment and qualification of their successors.

(2) The term of office of directors elected under the provisions of this part and part 23 shall be 4 years from and after the date of their election, provided that the directors first elected after formation of a new district shall hold office only until the election and qualification of their successors at the first regular election which shall be held in November of the next odd-numbered year.

(3) The term of office of directors appointed by the mayor or mayors or by the board of commissioners shall be 6 years from and after the date of appointment. Directors to be first appointed under the provisions of this part and part 23 shall be appointed within 90 days after the formation of the district."

Section 324. Section 7-13-2236, MCA, is amended to read:

"7-13-2236. General district election. The election of directors of the district shall be held every 4 years with the election for local government officials provided for in 13-1-104(2)."

Section 325. Section 7-13-2238, MCA, is amended to read:

"7-13-2238. Form of petition. (1) The petition of nomination shall consist of not less than five individual certificates, which shall read substantially as follows:

PETITION OF NOMINATION
Individual Certificate

State of....
County of....

Prec. No.....

I, the undersigned, certify that I do hereby join in a petition for the nomination of...., whose residence is at...., for the office of.... of the.... district, to be voted for at the district election to be held in the.... district on the.... day of...., 19..; and I further certify that I am a registered elector and an owner or lessee of real property within said district or a resident therein and am not at this time a signer of any other petition nominating any other candidate for the above-named office or, in case there are several places to be filled in the above-named office, that I have not signed more petitions than there are places to be filled in the above-named office; that my residence is at No..... street,...., and that my occupation is....

(Signed).....

State of Montana
County of.....

...., being duly sworn, deposes and says that he is the *individual* who signed the foregoing certificate and that the statements therein are true and correct.

(Signed).....

Subscribed and sworn to before me this.... day of...., 19...

.....
Notary Public

The petition of nomination of which this certificate forms a part shall, if found insufficient, be returned to...., at...., Montana.

(2) It shall be the duty of the *election administrator* to furnish, upon application, a reasonable number of forms of individual certificates of the above character. If the district lies in more than one county, the *election*

administrator whose county contains the largest percentage of the territory of *the* district shall fulfill this function."

Section 326. Section 7-13-2239, MCA, is amended to read:

"7-13-2239. Details relating to petition certificates. (1) Each certificate must be a separate paper.

(2) All certificates must be of uniform size as determined by the *election administrator*.

(3) Each certificate must contain the name of one signer thereto and no more. Each certificate shall contain the name of one candidate and no more.

(4) Each certificate shall contain the name and address of the person to whom the petition is to be returned in case *the* petition is found insufficient."

Section 327. Section 7-13-2240, MCA, is amended to read:

"7-13-2240. Qualifications to sign petition. (1) Each signer must be a *registered* elector owning real property or residing within *the* district.

(2) *No* signer *may* at the time of signing a certificate have his name signed to any other certificate for any other candidate for the same office or, in case there are several places to be filled in the same office, signed to more certificates for candidates for that office than there are places to be filled in *the* office. In case an elector has signed two or more conflicting certificates, all such certificates shall be rejected.

(3) Each signer must verify his certificate and make oath that the same is true before a notary public."

Section 328. Section 7-13-2241, MCA, is amended to read:

"7-13-2241. Presentation of petition of nomination. (1) A petition of nomination, consisting of not less than five individual certificates for any one candidate, may be presented to the *election administrator* not earlier than 65 days or later than 50 days before the election. The *election administrator* shall endorse thereon the date upon which the petition was presented to him.

(2) If the district lies in more than one county, *the* petition for nomination shall be presented to the *election administrator* whose county contains the largest percentage of the territory of *the* district and *the election administrator* shall fulfill all duties assigned to *election administrators* in elections under this part and part 23."

Section 329. Section 7-13-2242, MCA, is amended to read:

"7-13-2242. Examination of petition. (1) When a petition of nomination is presented for filing to the *election administrator*, he shall examine the same and ascertain whether or not it conforms to the provisions of 7-13-2237 through 7-13-2247. If found not to conform thereto, he shall in writing designate on *the* petition the defect or omission or reason why *the* petition cannot be filed and shall return the petition to the *individual*

named as the *individual* to whom *it* may be returned in accordance with 7-13-2240.

(2) The petition may then be amended and again presented to the *election administrator* as in the first instance *but in no case may a petition be presented later than 50 days before the election*. The *election administrator* shall proceed to examine the petition as hereinbefore provided."

Section 330. Section 7-13-2243, MCA, is amended to read:

"7-13-2243. Assistance for election administrator. If necessary, the board of commissioners shall provide extra help to enable the *election administrator* to perform satisfactorily and promptly the duties imposed by 7-13-2235 through 7-13-2253."

Section 331. Section 7-13-2244, MCA, is amended to read:

"7-13-2244. Filing of petitions. (1) If either the original or amended petition of nomination *is* found sufficiently signed as hereinbefore provided, the *election administrator* shall file *it*.

(2) When a petition of nomination *has* been filed by the *election administrator*, *it may* not be withdrawn or added to, and no signatures *may* be revoked thereafter."

Section 332. Section 7-13-2246, MCA, is amended to read:

"7-13-2246. Withdrawal of candidacy. (1) Any *individual* whose name has been presented under 7-13-2235 through 7-13-2248 as a candidate may, not later than 30 days before the day of election, cause his name to be withdrawn from nomination by filing with the *election administrator* a request therefor in writing, and no name withdrawn *may* be printed upon the ballot.

(2) If, upon such withdrawal, the number of candidates remaining does not exceed the number to be elected, then other nominations may be made by filing petitions therefor not later than 30 days prior to *the* election."

Section 333. Section 7-13-2261, MCA, is amended to read:

"7-13-2261. Recall of officers. Every incumbent of an elective office, whether elected by popular vote for a full term or elected by the board of directors to fill a vacancy or appointed by a mayor or board of commissioners for a full term, is subject to recall by the *electors* of any district organized under the provisions of this part and part 23 in accordance with *Title 2, chapter 16, part 6*."

Section 334. Section 7-13-2323, MCA, is amended to read:

"7-13-2323. Election on question of incurring bonded indebtedness. The board of directors shall fix a date upon which an election shall be held for the purpose of authorizing *the* bonded indebtedness to be incurred."

Section 335. Section 7-13-2324, MCA, is amended to read:

"7-13-2324. Notice of election on incurring bonded indebtedness. (1) *The board of directors shall give notice of the holding of the election. The notice shall contain the resolution adopted by the board of directors of the district, boundaries of voting precincts, which shall include only the lands to be benefited as stated in the resolution, and the location of polling places.*

(2) *The notice shall be published as provided in [section 6]."*

Section 336. Section 7-13-2325, MCA, is amended to read:

"7-13-2325. Qualifications to vote on question of incurring bonded indebtedness. Every registered elector owning or residing upon real property within such voting precincts, but no others, shall be entitled to vote at the election."

Section 337. Section 7-13-2328, MCA, is amended to read:

"7-13-2328. Sufficient vote required to issue bonds. If from such returns it appears that 60% or more of the votes cast on the question at such election were in favor of and assented to the incurring of such indebtedness, then the board of directors may by resolution, at such time or times as it considers proper, provide for the form and execution of the bonds and for the issuance of any part thereof."

Section 338. Section 7-14-203, MCA, is amended to read:

"7-14-203. Petition to create urban transportation district. Proceedings for creation of a transportation district may be initiated by a petition signed by not less than 20% of the registered electors who reside within the proposed district."

Section 339. Section 7-14-204, MCA, is amended to read:

"7-14-204. Details relating to petition. The petition shall include a map showing the limits of the proposed district and shall be in the form provided in Title 13, chapter 27."

Section 340. Section 7-14-205, MCA, is amended to read:

"7-14-205. Petition to be filed with election administrator certificate. (1) The complete petition shall be filed with the election administrator.

(2) The election administrator shall, within 30 days thereafter, carefully examine the petition and attach to it a certificate under his official signature and the seal of his office. The certificate shall set forth:

(a) the total number of individuals who are registered electors within the proposed transportation district; and

(b) which and how many of the individuals whose names are on the petitions are qualified to sign the petition."

Section 341. Section 7-14-206, MCA, is amended to read:

"7-14-206. Effect of insufficient number of signatures. If the petition is found to contain less than 20% of the signatures of the registered electors of the transportation district, the petition shall be declared void."

Section 342. Section 7-14-211, MCA, is amended to read:

"7-14-211. Conduct of election on question of creating district. (1) The election shall be held in all respects, as nearly as practicable, in conformity with the general election laws.

(2) At the election, the ballots shall contain the words:

☐ Transportation district — YES

☐ Transportation district — NO"

Section 343. Section 7-14-214, MCA, is amended to read:

"7-14-214. Election of members of transportation board. (1) Any registered elector in the district may file a petition of candidacy with the election administrator of the county where the district is located. No filing fee shall be required. All candidates shall file a nonpartisan petition for candidacy as provided in [section 141].

(2) The names of the six candidates receiving the highest number of votes in the primary election shall be placed on the ballots in the county general election."

Section 344. Section 7-15-4408, MCA, is amended to read:

"7-15-4408. Voter approval required to create housing authority. The ordinance authorized by 7-15-4406(2) shall not be effective until it has been approved by a majority vote of the registered electors within the city limits voting at either a special or general election."

Section 345. Section 7-34-2110, MCA, is amended to read:

"7-34-2110. Resolution calling for election. (1) The board of county commissioners in its resolution of reference may make such changes in the boundaries of the proposed district as it considers advisable, without including any additional lands not described in the petition, and it shall call an election upon the question of the creation of the district.

(2) The board must designate in its resolution whether a special election shall be held or whether the matter shall be determined at the next general election. If a special election is ordered, the board must specify in its order the date for such election."

Section 346. Section 7-34-2112, MCA, is amended to read:

"7-34-2112. Conduct of election on question of creating district. (1) The election shall be held in all respects, as nearly as practicable, in conformity with the general election laws.

(2) At the election, the ballots must contain the words "Hospital district — Yes" and "Hospital district — No".

Section 347. Section 7-34-2116, MCA, is amended to read:

"7-34-2116. Election of first board of trustees. (1) The first board of trustees shall be elected at the same election held upon the creation of the district, subject to the creation thereof, and shall qualify upon the organization of the district if created.

(2) The trustees may be nominated and have their names appear upon the ballots *as provided in [section 141].*"

Section 348. Section 7-34-2117, MCA, is amended to read:

"7-34-2117. Procedure for the conduct of election for trustees. (1) All elections and nominations for election of trustees following the election of the first board of trustees shall be conducted *at the time and in the manner provided by Title 13.*

(2) If there is no nomination petition filed, it shall not be necessary to hold an election but the board of county commissioners shall appoint a trustee to fill the term, the term to be the same as if the trustee were elected."

Section 349. Section 7-34-2414, MCA, is amended to read:

"7-34-2414. Election required on question of issuance of bonds. (1) No bonds may be issued by any county until the question of approval of the issuance of such bonds has been submitted to the *registered* electors of the county at a general election or a special election called for that purpose by the governing body of the county and the majority of the electors voting on the question have voted in favor thereof. The notice and conduct of the election shall be governed, to the extent applicable, by 7-7-2229 through 7-7-2231, 7-7-2233, and 7-7-2234.

(2) If a majority of the electors voting thereon vote against the issuance of *the* bonds, the county shall have no authority to issue *the* bonds under 7-34-2411 through 7-34-2418."

Section 350. Section 7-35-2106, MCA, is amended to read:

"7-35-2106. Election details. (1) In its order the board must designate whether a special election shall be held or whether the matter shall be determined at the next general election. If a special election is ordered, the board must in its order specify the time.

(2) The election shall be held in all respects, as nearly as practicable, in conformity with the general election laws.

(3) At such election, the ballots must contain the words "Cemetery district — Yes" and "Cemetery district — No".

Section 351. Section 20-3-106, MCA, is amended to read:

"20-3-106. Supervision of schools — powers and duties. The superintendent of public instruction has the general supervision of the public schools and districts of the state, and he shall perform the following duties or acts in implementing and enforcing the provisions of this title:

(1) resolve any controversy resulting from the proration of costs by a joint board of trustees under the provisions of 20-3-362;

(2) issue, renew, or deny teacher certification and emergency authorizations of employment and give notice of teacher certification suspension or revocation proceedings to be conducted by the board of public education in accordance with the provisions of the teacher certification part of this title;

(3) negotiate reciprocal tuition agreements with other states in accordance with the provisions of 20-5-314;

(4) serve on the teachers' retirement board in accordance with the provisions of 2-15-1010;

(5) approve or disapprove the orders of a high school boundary commission in accordance with the provisions of 20-6-311;

(6) approve or disapprove the opening or reopening of a school in accordance with the provisions of 20-6-502, 20-6-503, 20-6-504, or 20-6-505;

(7) approve or disapprove school isolation within the limitations prescribed by 20-9-302;

(8) generally supervise the school budgeting procedures prescribed by law in accordance with the provisions of 20-9-102 and prescribe the school budget format in accordance with the provisions of 20-9-103 and 20-9-505;

(9) establish a system of communication for calculating joint district revenues in accordance with the provisions of 20-9-151;

(10) approve or disapprove the adoption of a district's emergency budget resolution under the conditions prescribed in 20-9-163 and publish rules for an application for additional state aid for an emergency budget in accordance with the approval and disbursement provisions of 20-9-166;

(11) generally supervise the school financial administration provisions as prescribed by 20-9-201(2);

(12) prescribe and furnish the annual report forms to enable the districts to report to the county superintendent in accordance with the provisions of 20-9-213(5) and the annual report forms to enable the county superintendents to report to the superintendent of public instruction in accordance with the provisions of 20-3-209;

(13) approve, disapprove, or adjust an increase of the average number belonging (ANB) in accordance with the provisions of 20-9-313 and 20-9-314;

(14) distribute state equalization aid in support of the foundation program in accordance with the provisions of 20-9-342, 20-9-346, and 20-9-347;

(15) estimate the statewide equalization level for the foundation program in accordance with the provisions of 20-9-348;

(16) distribute state impact aid in accordance with the provisions of 20-9-304;

(17) provide for the uniform and equal provision of transportation by performing the duties prescribed by the provisions of 20-10-112;

(18) approve or disapprove an adult education program for which a district proposes to levy a tax in accordance with the provisions of 20-7-705;

(19) request, accept, deposit, and expend federal moneys in accordance with the provisions of 20-9-603;

(20) authorize the use of federal moneys for the support of an interlocal cooperative agreement in accordance with the provisions of 20-9-703 and 20-9-704;

(21) prescribe the form and contents of and approve or disapprove interstate contracts in accordance with the provisions of 20-9-705;

(22) approve or disapprove the conduct of school on a Saturday or on pupil-instruction-related days in accordance with the provisions of 20-1-303 and 20-1-304;

(23) recommend standards of accreditation for all schools to the board of public education and evaluate compliance with such standards and recommend accreditation status of every school to the board of public education in accordance with the provisions of 20-7-101 and 20-7-102;

(24) collect and maintain a file of curriculum guides and assist schools with instructional programs in accordance with the provisions of 20-7-113 and 20-7-114;

(25) establish and maintain a library of visual, aural, and other educational media in accordance with the provisions of 20-7-201;

(26) license textbook dealers and initiate prosecution of textbook dealers violating the law in accordance with the provisions of the textbooks part of this title;

(27) administer and perform the duties as the executive officer of the board of public education for vocational education in accordance with the provisions of 20-7-302;

(28) consider applications for the designation of a postsecondary vocational-technical center in accordance with the provisions of 20-7-311;

(29) establish a fund for the handling of postsecondary vocational-technical center fees in accordance with the provisions of 20-7-333;

(30) supervise and coordinate the conduct of special education in the state in accordance with the provisions of 20-7-403;

(31) administer the traffic education program in accordance with the provisions of 20-7-502;

(32) administer the school food services program in accordance with the provisions of 20-10-201, 20-10-202, and 20-10-203;

(33) review school building plans and specifications in accordance with the provisions of 20-6-622;

(34) prescribe the method of identification and signals to be used by school safety patrols in accordance with the provisions of 20-1-408; and

(35) perform any other duty prescribed from time to time by this title, any other act of the legislature, or the policies of the board of public education."

Section 352. Section 20-3-306, MCA, is amended to read:

"20-3-306. Conduct of election. (1) The trustees of each district shall call a trustee election on the regular school election day of each school fiscal year under the provisions of 20-20-201, except as provided in 20-3-344. The trustees shall call and conduct the trustee election in the manner prescribed in this title for school elections *and Title 13*. Any elector qualified to vote under the provisions of 20-20-301 may vote at a trustee election.

(2) The trustee election ballots shall be substantially in the following form:

OFFICIAL BALLOT SCHOOL TRUSTEE ELECTION

INSTRUCTIONS TO VOTERS: Make an X or similar mark in the vacant square before the name of the candidate for whom you wish to vote.

Vote for (indicate number to be elected) for a 3-year term:

☐ (List the names of the candidates for a 3-year term with a vacant square in front of each name.)

Vote for (indicate number to be elected) for a 2-year term:

☐ (List the names of the candidates for a 2-year term with a vacant square in front of each name.)

Vote for (indicate number to be elected) for a 1-year term:

☐ (List the names of the candidates for a 1-year term with a vacant square in front of each name.)"

Section 353. Section 20-3-304, MCA, is amended to read:

"20-3-304. Annual election. In each district an election of trustees shall be conducted annually on the regular school election day, the first Tuesday of April. Election of trustees shall comply with the election provisions of *Title 13 and this title*."

Section 354. Section 20-9-424, MCA, is amended to read:

"20-9-424. Validation of petition — election administrator's certificate. (1) The petitioners for a school district bond election shall submit their petition to the county *election administrator* of the county where the school district is located for validation of the signatures on the petition. The county *election administrator* shall examine the petition and attach or endorse thereon a certificate which shall state:

(a) the total number of electors of the school district who are, at the time, qualified to vote under the provisions of 20-20-301;

(b) which and how many of the *individuals* whose names are subscribed to the petition possess the qualifications to vote on a bond proposition; and

(c) whether the number of qualified signers established in subsection (1)(b) is more or less than 20% of the total number of *registered* electors established in subsection (1)(a).

(2) After completing the examination, the county *election administrator* shall immediately send the petition and his certificate to the school district. The county *election administrator* shall not receive compensation for the examination of school district bond petitions."

Section 355. Section 20-20-102, MCA, is amended to read:

"20-20-102. Precedence of school election provisions. *Except as otherwise provided in this title, school elections shall be conducted and canvassed and the results shall be returned in the same manner as provided for general elections in Title 13. Should there be a conflict between the requirements of Title 13 and the provisions of this title regulating school elections, the provisions of this title shall govern. The superintendent of public instruction may make any necessary rules to clarify Title 13 provisions for use in school elections.*"

Section 356. Section 20-20-104, MCA, is amended to read:

"20-20-104. Forms. The forms necessary for school district elections shall be the same as those prescribed by law or the secretary of state. The superintendent of public instruction may issue prescribed forms for school elections with any necessary revisions of prescribed or statutory forms."

Section 357. Section 20-20-106, MCA, is amended to read:

"20-20-106. Poll hours. (1) The polls for any school election in any district shall open not later than 12 noon. The trustees may order the polls to open earlier, but no earlier than 8 a.m.

(2) *If the school election is held on the same day as a general, primary, or special election for another political subdivision, the polls shall be opened and closed at the times required for that election.*

(3) Once opened, the polls shall be kept open continuously until 8 p.m., except that whenever all the registered electors at any poll have voted, the poll shall be closed immediately."

Section 358. Section 20-20-201, MCA, is amended to read:

"20-20-201. Calling of school election. (1) At least 40 days before any school election, the trustees of any district shall call such school election by resolution, stating the date and purpose of such election, and shall conduct it in accordance with the procedures required by law, when:

- (a) an election must be held on the regular school election day;
- (b) in their discretion, *the* trustees order an election for a purpose authorized by law;
- (c) the county superintendent orders an election in accordance with the law authorizing such an order;
- (d) the board of public education orders an election in accordance with the law authorizing such an order;
- (e) the county commissioners order an election in accordance with the law authorizing such an order;

(f) the board of trustees of a community college district orders an election in accordance with the law authorizing such an order (in which case the community college district shall bear its share of the cost of such election); or

(g) a school election is required by law under any other circumstances.

(2) The resolution calling any school election shall be transmitted to the county *election administrator* no later than 35 days before the election in order to enable him to close the registration and prepare the lists of registered electors as required by school election laws."

Section 359. Section 20-20-203, MCA, is amended to read:

"20-20-203. Resolution for poll hours, polling places, and judges. (1) At the trustee meeting when a school election is called, the trustees shall:

(a) *except as provided in 20-20-106(2)*, establish the time at which the polls are to open if in their discretion they determine that the polls shall be open before 12 noon;

(b) establish the polling places for such election, *using the established polling places for general elections within the district wherever possible*;

(c) appoint, from among the qualified electors of the district, *at least* three judges for each polling place for such election and notify each judge of such appointment not less than 10 days before the election.

(2) There shall be one polling place in each district unless the trustees establish additional polling places. If more than one polling place is established, the trustees shall define the boundaries for each polling place, and such trustee-defined polling place boundaries shall be coterminous with county precinct boundaries existing within a district. If the site of a polling place is changed from the polling place site used for the last preceding school election, special reference to the changed site of the polling place shall be included in the notice for such election."

Section 360. 20-20-204, MCA, is amended to read:

"20-20-204. Election notice. (1) When the trustees of any district call a school election, they shall give notice of the election not less than 20 days or more than 30 days before the day of the election by posting notices in three public places in the district, provided that in incorporated cities and towns at least one notice shall be posted at a public place in each ward *or precinct*. Whenever, in the judgment of the trustees, the best interest of the district will be served by the supplemental publication of the school election notice in a newspaper or by a radio or television broadcast, the trustees may cause such notification to be made.

(2) The notice of a school election, unless otherwise required by law, shall specify:

- (a) the date and polling places of the election;
- (b) the hours the polling places will be open;

- (c) each proposition to be considered by the electorate;
- (d) if there are trustees to be elected, the number of positions subject to election and the length of term of each position; and
- (e) *where and how absentee ballots may be obtained.*

(3) If more than one proposition is to be considered at the same school election, each proposition *must* be set apart and separately identified in the same notice or published in separate notices."

Section 361. Section 20-20-301, MCA, is amended to read:

"20-20-301. Qualifications of elector. *An individual is entitled to vote at school elections if he has the qualifications set forth in 13-1-111 and is a resident of the school district.*"

Section 362. Section 20-20-312, MCA, is amended to read:

"20-20-312. Listing of registered electors. After closing registration, the county *election administrator* shall prepare a list of registered electors for each polling place established by the trustees. The list for each polling place shall be prepared in the format of a precinct register book."

Section 363. Section 20-20-313, MCA, is amended to read:

"20-20-313. Delivery and charge for lists of registered electors. Before the day of the election, the *election administrator* shall deliver a certified copy of the lists of registered electors for each polling place to the district. The district shall deliver them to the election judges prior to the opening of the polls. *The district shall reimburse the county for the actual costs of preparing the lists of registered electors.*"

Section 364. Section 20-20-401, MCA, is amended to read:

"20-20-401. Trustees' election duties — ballot certification.
(1) The trustees are the general supervisors of school elections.
(2) *Not less than 15 days before an election, the clerk of the district shall prepare a certified list of the names of all candidates entitled to be on the ballot and the official wording for each ballot issue. The clerk shall arrange for printing the ballots. Names of candidates on school election ballots need not be rotated.*

(3) *The trustees are authorized to and shall administer oaths to election judges.*

(4) *Before the opening of the polls, the trustees shall cause each polling place to be supplied with the ballots and supplies necessary to conduct the election.*"

Section 365. Section 20-20-411, MCA, is amended to read:

"20-20-411. Conduct of election. Election judges shall conduct school elections in a manner that ensures a fair and unbiased determination of the matters put before the electorate and see that each elector has an adequate opportunity to cast his vote."

Section 366. Section 20-20-415, MCA, is amended to read:

"20-20-415. Trustees to canvass votes. At the first regular or special meeting of the trustees conducted after the receipt of the certified tally sheets of any school election from all the polls of the district, the trustees shall canvass the vote."

Section 367. Section 20-20-416, MCA, is amended to read:

"20-20-416. Certificate of election. After the *canvass* of the total votes cast, the trustees shall issue a certificate of election. In the case of a trustee election, the certificate shall be issued to the elected trustee and the county superintendent designating the term of the trustee position to which he has been elected. In the case of an election on a proposition, the trustees shall issue a certificate specifying the outcome of the election. The certificate shall be issued to the official or public body which ordered the election within 15 days after the election. When the election has been ordered by resolution of the trustees, the canvassed results shall be published immediately in a newspaper that will give notice to the largest number of people of the district."

Section 368. Section 20-20-421, MCA, is amended to read:

"20-20-421. Voting machines and electronic voting systems. Whenever voting machines or electronic voting systems are available to a district, such voting devices may be used for a school election. Any district that uses a voting machine or an electronic voting system shall do so in accordance with the provisions of chapters 17 or 18 of Title 13. In construing the provisions of those chapters, the "county governing body" and the "election administrator" shall, for the purposes of this section, be considered to refer to trustees, and "county" shall be considered to refer to district."

Section 369. Section 76-15-303, MCA, is amended to read:

"76-15-303. General election. (1) All qualified electors within the district are eligible to vote in the election.

(2) The three candidates who receive the largest number, respectively, of the votes cast in the election are the elected supervisors for the district.

(3) In the general election, the names of all *individuals* nominated by petition (if six or fewer) or by election shall be printed, arranged in a rotating order of the surnames, as provided under 13-12-205, upon ballots, with a square before each name and a direction to insert an "X" mark in the square before any three names to indicate the *elector's* preference.

(4) The *election administrator* in each county shall prepare suitable nonpartisan ballots or place the names of candidates on the regular general election ballot in the same manner as other nonpartisan candidates for the election of supervisors, which ballots shall be delivered to the election judges in those precincts which contain *registered electors* prior to each general election and each primary election in which more than four candidates are nominated. The election judges and other election officials in such precincts shall submit such ballots to qualified electors, conduct the election, and tabulate the results of such election in the manner provided in Title 13."

Section 370. Section 85-7-1702, MCA, is amended to read:

"85-7-1702. Regular election — term of office. The regular election for commissioners in each district shall be held annually *in accordance with 13-1-104*, and within 40 days following their election the commissioners shall meet and organize as a board by electing a president from their number and a secretary, who may or may not be a commissioner, and who shall each hold office during the pleasure of the board. The term of office of each commissioner shall begin on the date of the organizational meeting after the regular election and shall continue for 3 years and until the election and qualification of his successor. Commissioners are elected by the electors of the entire district."

Section 371. Section 85-7-1710, MCA, is amended to read:

"85-7-1710. Qualification of electors and nature of voting rights. (1) At all elections held under the provisions of this part, except as otherwise expressly provided, the following holders of title or evidence of title to lands within the district, herein designated electors, are entitled to vote:

(a) all *individuals* having the qualifications of electors under the constitution and general and school laws of the state;

(b) guardians, executors, administrators, and trustees residing in the state;

(c) domestic corporations, by their duly authorized agents.

(2) In all elections held under this part, each elector is permitted to cast one vote for each 40 acres of irrigable land or major fraction thereof owned by the elector within the district, irrespective of the location of the irrigable lands within the tracts designated by the commissioners for assessment and taxation purposes or within congressional subdivisions, platted lots or blocks (except as hereinafter provided for), election precincts, or district divisions, but any elector owning any less than 40 acres of irrigable land is entitled to one vote. Until the irrigable area under the proposed plan of reclamation is determined, all land included within the boundaries of the district shall be considered irrigable land for election purposes.

(3) Whenever land is owned by co-owners, the owners may designate one of their number or an agent to cast the vote for the owners, and one vote only for each 40 acres of irrigable land or major fraction thereof may be cast by the voting co-owner or agent. Whenever land is under contract of sale to a purchaser residing within the state, the purchaser may vote on behalf of the owner of the land. When voting, the agent of a corporation or co-owners, the co-owner designated for purpose of voting, or the purchaser of land under contract of sale, as the case may be, shall file with the secretary of the district or with the election officials a written instrument of his authority, executed and acknowledged by the proper officers of the corporation, by the co-owners, or by the owner of land under contract of sale, as the case may be, and thereupon the agent or co-owner or purchaser, as the case may be, is an elector within the meaning of this part. Whenever the total irrigable acreage within any one district has been

platted or subdivided into lots or blocks to the extent of 5% or more of the total acreage of the district, each elector is permitted to cast one vote for each acre of irrigable land or major fraction thereof owned by the elector within the district, irrespective of the location of such irrigable lands within the tracts designated by the commissioners for assessment and taxation purposes or within the congressional subdivisions, but any elector owning any less than 1 acre of irrigable land within the district is entitled to one vote. The balloting shall take place in the following manner: 10 votes or less, separate ballots will be used; more than 10 votes, the elector shall vote in blocks of 10 using one ballot for each 10 votes and separate ballots for odd votes over multiples of 10. The election shall otherwise conform with the provisions of *Title 13*."

Section 372. Section 85-7-1712, MCA, is amended to read:

"85-7-1712. Special elections. The board of commissioners may at any time call a special election and submit to the qualified electors of the district any question which under the provisions of this chapter is required or which, in the judgment of the board, is proper to be submitted to popular vote. Such election shall be called, noticed, and conducted and the result thereof determined and declared in the manner provided in *Title 13*.

Section 373. Section 85-9-206, MCA, is amended to read:

"85-9-206. Court hearing on petition — election — limits on court jurisdiction. (1) Upon receipt of a petition for organizing a district, the court shall give notice and hold a hearing on the petition. If the court shall find that the prayer of the petition should be granted, it shall:

(a) make and file findings of fact specifying those lands that will be directly or indirectly benefited by the proposed district and exclude those lands which will not be so benefited;

(b) make an order fixing the time and place of an organizing election;

(c) order the *election administrator* to conduct the election in accordance with the provisions of *Title 13*;

(d) order and decree the district organized if the requisite number of eligible electors vote in favor of organization.

(2) In order for the district to be organized, 51% or more of the eligible electors must vote in the election, and a majority of those voting must vote in favor of organization.

(3) This chapter shall not confer upon the court jurisdiction to hear, adjudicate, and settle questions concerning the priority of appropriation of water between districts and other persons. Jurisdiction to hear and determine priority of appropriation and questions of right growing out of or in any way connected with a priority of appropriation is expressly excluded from this chapter and shall be determined as otherwise provided by the laws of Montana."

Section 374. Section 85-9-422, MCA, is amended to read:

"85-9-422. Election procedures. *The election procedures after organization will conform to the requirements of Title 13.*"

Section 375. Section 2-16-615, MCA, is amended to read:

"2-16-615. Filing of recall petitions — mandamus for refusal.

(1) Recall petitions for elected officers shall be filed with the official who is provided by law to accept the declaration of nomination or petition for nomination for such office. Recall petitions for appointed *state officers shall be filed with the secretary of state and for appointed county or municipal officers shall be filed with the county election administrator.* Recall petitions for appointed officers from other political subdivisions shall be filed with the county *election administrator* if the boundaries of the political subdivisions lie wholly within one county or otherwise with the secretary of state.

(2) If the secretary of state, county *election administrator* or other filing official refuses to accept and file any petition for recall with the proper number of signatures of qualified electors, any elector may within 10 days after such refusal apply to the district court for a writ of mandamus. If it is determined that the petition is sufficient, the district court shall order the petition to be filed with a certified copy of the writ attached thereto, as of the date when it was originally offered for filing. On a showing that any filed petition is not sufficient, the court may enjoin certification, printing, or recall election.

(3) All such suits or appeals therefrom shall be advanced on the court docket and heard and decided by the court as expeditiously as possible.

(4) Any aggrieved party may file an appeal within 10 days after any adverse order or decision as provided by law."

Section 376. Section 3-6-201, MCA, is amended to read:

"3-6-201. Election — term of office. (1) One judge of each municipal court shall be elected at the general city election. The judge's term shall commence on the first Monday in *January* following the election. The judge shall hold office for the term of 4 years and until his successor is elected and qualified.

(2) All elections of municipal judges are governed by the laws applicable to the election of *nonpartisan* city officials."

Section 377. Section 3-11-201, MCA, is amended to read:

"3-11-201. Term of office. In cities of the first, second, and third class, the city judge shall hold office for a term of 4 years and until the qualification of his successor."

Section 378. Section 3-12-103, MCA, is amended to read:

"3-12-103. Creation of court. (1) A small claims court may be created by a resolution passed by the board of county commissioners after consultation with the district court judges of the judicial district in which such county is located or by county initiative as provided in Title 7, chapter 5, part 1.

(2) Upon such order or passage of the resolution or initiative, the judge of the appropriate judicial district shall, by court order, establish a small claims court under the provisions of this chapter.

(3) When the order is filed with the clerk of the district court of the appropriate county, the clerk of the district court becomes the clerk of the small claims court."

Section 379. Section 7-2-2316, MCA, is amended to read:

"7-2-2316. Form of ballot. (1) The form of the ballot used at such elections shall be as follows: there shall be a stub across the top of each ballot and separated therefrom by a perforated line.

(2) Upon the face of the stub there shall be printed the following instructions:

"To vote this ballot the elector will write in the blank space on the ballot the name of the town or place at which he desires the permanent county seat to be located."

(3) The ballot below the perforated line shall be in the following form:

"For the permanent county seat of County (here insert name of county) my choice is"

(4) When the name of a town or place in a county shall be so inserted in the blank space on such ballot by an elector and the ballot has been cast as provided by law, the same shall be deemed a vote for the designated town or place as the location of the permanent county seat of said county."

Section 380. Section 7-2-4107, MCA, is amended to read:

"7-2-4107. Officers elected at first election. (1) At such election there must be elected:

(a) in a city of the first class, a mayor, a city judge, a city attorney, a city treasurer, a city marshal, and two aldermen from each ward into which the city may be divided;

(b) in a city of the second class, a mayor, a city judge, a city treasurer, a city marshal, and two aldermen from each ward;

(c) in a town, a mayor and two aldermen from each ward.

(2) Those elected hold office until the first Monday of *January* after the first annual election and until their successors are elected and qualified. The persons so elected must qualify in the manner prescribed by law for county officers."

Section 381. Section 7-3-1204, MCA, is amended to read:

"7-3-1204. Petition for city-county consolidated government — election required. (1) The question of the abandonment and termination of the separate corporate existence and government of a county and of each and every city and town therein and the consolidation and merging

of the existence and government of *the* county and each and all of the cities and towns therein into one municipal corporation and government under the provisions of this part and part 13 shall be submitted to the *registered* electors of such county if a petition is filed in the office of the *election administrator* of the county, signed by at least 20% of the electors of *the* county whose names appear on the official register of voters of the county on the date of the filing of such petition, requesting that such question be submitted to the *registered* electors of the county.

(2) Such petition shall be substantially in the form and shall be signed, verified, and filed in the manner prescribed in 7-5-132 through 7-5-137 for initiative, referendum, and recall petitions and shall designate therein the name by which such consolidated government is to be known, which must be either that of the county or of some one of the cities or towns therein."

Section 382. Section 7-3-1205, MCA, is amended to read:

"7-3-1205. Certification of petition — board action. (1) If the county *election administrator* shall find that such petition or amended petition so filed is signed by the required number of *registered* electors, he shall so certify to the board of county commissioners of such county at their next regular meeting.

(2) Such board shall, within 10 days after receiving the *election administrator's* certificate, order a special election to be held, at which election such question shall be submitted to the *registered* electors of the county. Such order shall specify the time when such election shall be held, which shall be not less than 90 or more than 120 days from and after the day when such order is made, and the board of county commissioners shall immediately upon making such order issue a proclamation setting forth the purpose for which such special election is held and the date of holding the same, which proclamation must be published in the manner prescribed by [section 6]."

Section 383. Section 7-3-1208, MCA, is amended to read:

"7-3-1208. Election of commission upon favorable vote. (1) If the majority of the votes cast at such election shall be in favor of such consolidation and merging, the board of county commissioners of such county must, within 2 weeks after such election returns have been canvassed, order a special election to be held for the purpose of electing the number of members of the commission to which such consolidated municipality shall be entitled. This order shall specify the time when such election shall be held, which shall be not less than 90 or more than 120 days after the day when such order is made; provided, however, that if any general election is to be held in such county after 3 months but within 6 months from the date of the making of such order, then such order shall require such special election to be held at the same time as such general election. The board of county commissioners, immediately upon making such order, shall issue a proclamation setting forth the purpose for which such special election is held and the date of holding the same, which proclamation must be published in the manner prescribed by [section 6].

(2) No primary election shall be held for the purpose of nominating candidates for members of the commission hereinafter provided for, to be

voted for at such special election, but such candidates shall be nominated directly by petition which shall be in substantially the same form and be signed by the same number of signers as hereinafter required for primary nominating petitions. Such election shall be conducted, vote returned and canvassed, and result declared in the same manner as provided by law in respect to general elections."

Section 384. Section 7-3-1218, MCA, is amended to read:

"7-3-1218. Meetings of commission. (1) (a) Except as provided in subsection (1)(b), at 2 p.m. on *the first Monday of January* following a regular municipal election, the commission shall meet at the courthouse in the consolidated municipality and the newly elected members shall assume the duties of office.

(b) The first meeting of such commission after the special election at which the first members of the commission are elected shall be held at 2 p.m. on the first day of the third month following such special election, and at such meeting the members of such commission shall determine by lot the members whose terms will expire on *the first Monday of January* in the first year following such special election and the members whose terms will expire on *the first Monday of January* in the third year following such election.

(2) Thereafter the commission shall meet at such times as may be prescribed by ordinance or resolution, but not less frequently than once in each month. Special meetings shall be called by the clerk of the commission upon written request of the president, the manager, or a majority of the members of the commission. Any such notice shall state the subject to be considered at the meeting, and no other subject shall be considered at such meeting.

(3) All meetings of the commission and of committees thereof shall be open to the public, and the rules of the commission shall provide that citizens of the municipality shall have a reasonable opportunity to be heard at any such meeting in regard to any matter considered thereat."

Section 385. Section 7-3-1271, MCA, is amended to read:

"7-3-1271. General provisions related to elections. (1) For any election held on the question of the adoption of this part and part 13 and for the first election of members of the commission thereunder if adopted, the county *election administrator* and board of county commissioners shall exercise the powers and perform the duties respecting elections prescribed for county *election administrators* and boards of county commissioners by the general laws of the state.

(2) After the adoption of this part and part 13 by the electors of the county and the election and qualification of a commission thereunder, *elections shall be conducted as provided in Title 7 and Title 13.*"

Section 386. Section 7-3-4214, MCA, is amended to read:

"7-3-4214. First term of office. (1) The mayor and councilmen elected at such special election shall qualify and their terms of office shall begin on the first Monday after their election. The terms of office of the

mayor and councilmen or aldermen in such city in office at the beginning of the term of office of the councilmen first elected under the provisions of this part shall then cease and determine, and the terms of office of all their appointed officers in force in such city, except as hereinafter provided, shall cease and determine as soon as the council shall by resolution declare.

(2) The terms of office of the mayor and all councilmen elected at such special election shall expire on the first Monday in *January* of the *first even-numbered* year following their election. At the first regular city election held in the *year prior to the year* in which the terms of office of the mayor and councilmen elected at such special election shall expire, a mayor and two councilmen shall be elected in cities having a population of less than 25,000. The mayor elected at such first general city election shall hold office for 4 years, one of the councilmen elected at such first city election shall hold office for 2 years, and the other of such councilmen elected at such first general city election shall hold office for 4 years, beginning with the first Monday in *January* of the *year following their election*. A mayor and four councilmen shall be elected in cities having a population of 25,000 or more, and the mayor elected at such first general city election shall hold office for 4 years. Two of the councilmen elected at such first general city election shall hold office for 2 years, and the other two of the councilmen elected at such first general city election shall hold office for 4 years, beginning with the first Monday in *January* of the *year following their election*.

(3) The councilmen elected at the first general city election shall decide by lot, in such manner as they may select, which thereof shall hold the office of councilman the term of which expires 2 years thereafter and which thereof shall hold the office of councilman the term of which expires 4 years thereafter."

Section 387. Section 7-6-2344, MCA, is amended to read:

"7-6-2344. Limitation on amount of emergency expenditures and liabilities — election. (1) Unless the excess above the sums listed in subsections (1)(a), (1)(b), and (1)(c) shall first have been authorized by a majority of the taxpaying freeholders of such county who are registered electors therein, voting at a general or special election, the aggregate total of all expenditures made or liabilities incurred in any fiscal year to meet emergencies, other than such as are caused by fire, flood, explosion, earthquake, epidemic, riot, or insurrection, shall not exceed the sum of:

- (a) \$25,000 in counties of classes 1, 2, 3, and 4;
- (b) \$15,000 in counties of classes 5 and 6; and
- (c) \$7,500 in counties of class 7.

(2) The question of authorizing such excess expenditures shall be submitted in the following form, inserting in the ballot the amount of the excess proposed to be authorized and a description of the emergency to be met:

Shall the board of county commissioners of County, Montana, be authorized to make additional expenditures and incur additional liabilities

in the amount of \$.... over and above the sum of \$.... to meet an emergency caused by

- ☐ YES
- ☐ NO

(3) The total of all emergency budgets and appropriations made therein in any one year to be paid from the county poor fund shall not exceed the amount which would be produced by a mill levy equal to the difference between the mills levied in that year and the maximum mill levy authorized by law to be made for such fund, computed against the taxable value of the property subject to such levy as shown by the last completed assessment roll of the county."

Section 388. Section 7-13-2237, MCA, is amended to read:

"7-13-2237. Petition of nomination required for printing of name on ballot. The name of a candidate shall be printed upon the ballot when a petition of nomination shall have been filed in his behalf in the manner and form and under the conditions set forth in 7-13-2238 through 7-13-2247."

Section 389. Section 7-13-2245, MCA, is amended to read:

"7-13-2245. Withdrawal of signature from petition. (1) Any signer to a petition of nomination and certificate may withdraw his name from the same by filing with the county *election administrator* a verified revocation of his signature before the filing of his petition by the *election administrator* and not otherwise.

(2) He shall then be at liberty to sign a petition for another candidate for the same office."

Section 390. Section 7-33-2106, MCA, is amended to read:

"7-33-2106. Details relating to board of trustees of fire district. (1) The five trustees initially appointed by the county commissioners shall hold office until their successors are elected and qualified as hereinafter provided.

(2) *Trustees shall be elected as provided in 13-1-104(3). The term of office shall be 3 years beginning on the first Monday in January following their election or until their successors are elected and qualified. Appointments to fill vacancies shall be made by the county governing body and appointees shall hold office until the next regular election. Nominations for office shall be made as provided in [section 141]. All electors, as defined in Title 13, who reside in the district are eligible to vote in the election.*

(3) The trustees shall organize by choosing a chairman and appointing one member to act as secretary."

Section 391. Section 7-34-2118, MCA, is amended to read:

"7-34-2118. Term of office. (1) The trustees elected for the first board shall serve for terms:

(a) commencing upon their being elected and qualified; and

(b) terminating 1, 2, and 3 years, respectively, from the first Monday in *January* following their election and until their respective successors shall be elected and qualified.

(2) Annually thereafter there may be elected a trustee to serve for a term of 3 years and until his successor shall be qualified. Such term of 3 years shall commence on the first Monday in *January* following the said trustee's election."

Section 392. Section 16-1-205, MCA, is amended to read:

"16-1-205. Local option. The electors of a county may, by approving an initiative as provided under Title 7, chapter 5, part 22, prohibit the sale and consumption of liquor or of all alcoholic beverages within the county. If such initiative is presented to the board of county commissioners, the board may not approve it but shall submit the proposal to the people under *Title 7, chapter 5, part 1.*"

Section 393. Section 76-15-103, MCA, is amended to read:

"76-15-103. Definitions. Unless the context requires otherwise, in this chapter the following definitions apply:

(1) "Agency of this state" includes the government of this state and any subdivision, agency, or instrumentality, corporate or otherwise, of the government of this state.

(2) "Board" means the board of natural resources and conservation provided for in 2-15-3302.

(3) "Department" means the department of natural resources and conservation provided for in Title 2, chapter 15, part 33.

(4) "District" or "conservation district" means a governmental subdivision of this state and a public body corporate and politic organized in accordance with this chapter, for the purposes, with the powers, and subject to the restrictions hereinafter set forth.

(5) "Due notice" means notice published at least twice, with an interval of at least 14 days between the two publication dates, in a newspaper or other publication of general circulation within the proposed area or by posting at a reasonable number of conspicuous places within the appropriate area, the posting to include, where possible, posting at public places where it may be customary to post notices concerning county or municipal affairs generally.

(6) "Government" or "governmental" includes the government of this state, the government of the United States, and any subdivision, agency, or instrumentality, corporate or otherwise, of either of them.

(7) "Land occupier" or "occupier of land" includes a person, firm, corporation, municipality, or other entity who holds title to or is in possession of lands lying within a district organized under this chapter, whether as owner, lessee, renter, tenant, or otherwise.

(8) "Petition" means a petition filed under 76-15-201 for the creation of a district.

(9) "Qualified elector" means *an* elector as defined in Title 13.

(10) "Supervisor" means one of the members of the governing body of a district, elected or appointed in accordance with this chapter.

(11) "United States" or "agencies of the United States" includes the United States of America, the soil conservation service of the United States department of agriculture, and any other agency or instrumentality, corporate or otherwise, of the United States of America."

Section 394. Section 76-15-506, MCA, is amended to read:

"76-15-506. Bonds authorized — election. (1) Whenever a board of supervisors deems it necessary, it may issue bonds payable from revenues, assessments, or both, or the district may use other financing as provided for by this part and part 6 for the cost of works.

(2) The board of supervisors may call a special election to vote upon the proposition of issuing the bonds or may submit the proposition as a special question at a regular or general election. If from the returns of the election it appears that the majority of votes cast at such election was in favor of and assented to the incurring of the indebtedness, then the board of supervisors may by resolution provide for the issuance of such bonds.

(3) The authorization of such undertaking, the form, and content shall be carried out in accordance with 7-7-4426, 7-7-4427, and 7-7-4432 through 7-7-4435. Validity of such bonds, use of revenue, and refunding shall be in accordance with the provisions of 7-7-4425, 7-7-4430, 7-7-4501 (2) and (3), and 7-7-4502 through 7-7-4505.

(4) Any bonds issued under this part and part 6 have the same force, value, and use as bonds issued by a municipality and are exempt from taxation as property within the state of Montana."

Section 395. Section 76-15-605, MCA, is amended to read:

"76-15-605. Board decision. (1) The report of 76-15-603 shall be presented and read at the hearing on the petition.

(2) At the public hearing on the petition, the board of supervisors shall proceed to hear and pass upon all protests made and its decision shall be final and conclusive except when owners of more than 50% of the land in the proposed project area protest the project. If owners of more than 50% of the land protest the project, no further action may be taken for a period of 6 months from the date of the hearing, after which a new petition may be filed.

(3) If the board or boards of supervisors find that it is not feasible, desirable, or practical to establish the proposed project area, they shall make an order denying the petition and shall state therein their reasons for so doing.

(4) If, however, the board finds that the project is desirable, proper, and necessary, it shall grant the petition, establish the boundaries of the

proposed project area, and *notify the county election administrator that an election is to be held in the proposed area for the purpose of determining whether or not the project area shall be created.*"

Section 396. Section 76-15-701, MCA, is amended to read:

"76-15-701. Adoption of land use regulations. (1) The supervisors of any district shall have authority to formulate regulations governing the use of lands within the district in the interest of conserving soil and water resources and preventing and controlling erosion. The supervisors may conduct such public meetings and public hearings upon tentative regulations as may be necessary to assist them in this work.

(2) The supervisors shall not have authority to enact such land use regulations into law until after they shall have caused due notice to be given of their intention to *order* a referendum for submission of such regulations to the qualified electors within the boundaries of the district for their indication of approval or disapproval of such proposed regulations and until after the supervisors have considered the result of such referendum."

Section 397. Section 76-15-702, MCA, is amended to read:

"76-15-702. Referendum on proposed land use regulations. (1) The proposed regulations shall be embodied in a proposed ordinance. Copies of such proposed ordinance shall be available for the inspection of all eligible voters during the period between publication of such notice and the date of the referendum.

(2) The notices of the referendum shall recite the contents of such proposed ordinance or shall state where copies of such proposed ordinance may be examined. The question shall be submitted by ballots upon which the words "For approval of proposed ordinance No . . . , prescribing land use regulations for conservation of soil and prevention of erosion" and "Against approval of proposed ordinance No . . . , prescribing land use regulations for conservation of soil and prevention of erosion" shall appear, with a square before each proposition and a direction to insert an "X" mark in the square before one or the other of said propositions as the voter may favor or oppose approval of such proposed ordinance.

(3) The supervisors shall publish the result of the referendum. All registered electors within the district shall be eligible to vote in such referendum. No informalities in the conduct of such referendum or in any matters relating thereto shall invalidate said referendum or the result thereof if notice thereof shall have been given substantially as herein provided and said referendum shall have been fairly conducted."

Section 398. Section 85-7-1501, MCA, is amended to read:

"85-7-1501. Qualifications of commissioners and term of office. (1) No person may be a commissioner unless he is an owner of land within the district and is a resident of the county in which the division of the district or some portion thereof, for which the commissioner is elected, is situated.

(2) The commissioners appointed shall hold their respective offices until the second Saturday in *December* following their appointment and until their respective successors are elected and qualified. Each of the commissioners shall qualify in the same manner as justices of the peace. The bond for a commissioner shall be approved by the district court or judge thereof and filed in the office of the clerk of the court."

Section 399. Section 85-7-1602, MCA, is amended to read:

"85-7-1602. Election on joint operations. At any time after March 7, 1959, in the event that it is deemed advisable or desirable for any irrigation districts to operate under the direction of a board of control as herein provided, the boards of commissioners of the districts, after petition requesting the same be received and filed with them, must call an election to put the question before the landowners of the districts which are petitioned to be joined. In the event a majority of the landowners of each district, as provided by 85-7-1710, vote for organizing such board of control, then the commissioners of each district will be authorized and directed to enter into such contract to operate the districts in accordance with the terms of this part as provided by 85-7-1601. The election herein provided shall be conducted in the same manner and the same persons shall be entitled to vote thereat as provided for elections of commissioners of irrigation districts, in accordance with 85-7-1702, 85-7-1710, and 85-7-1712."

Section 400. Section 85-8-302, MCA, is amended to read:

"85-8-302. Election of commissioners — regular term of office. (1) The regular election of commissioners shall be held annually in accordance with 13-1-104. The term of office of commissioners shall commence on the first *Monday in January* following their election. At the first regular election following the organization of a district and in districts organized and in existence on March 1, 1921, and which, on petition, have been divided into divisions, at the first regular election following the date of the order making such division, there shall be elected three commissioners, one commissioner being elected from each division of which he must be an actual landowner. One of the commissioners, to be determined by lot, shall hold office until the first *Monday in January* in the year following his election; another of the commissioners, to be determined by lot, shall hold office until the first *Monday in January* in the second year following his election; and the third of the commissioners shall hold office until the first *Monday in January* in the third year following his election. Thereafter one commissioner shall be elected each year, who shall hold office for a term of 3 years and until his successor is elected and qualified. The person elected as a commissioner in each year to succeed the commissioner whose term is then expiring must be elected as a commissioner from the same division as the commissioner whom he is to succeed.

(2) Each commissioner must be a resident of a county where a portion of the district lands is situated."

Section 401. Section 85-8-303, MCA, is amended to read:

"85-8-303. Notice of election. Forty days before any regular election, the secretary of the board of commissioners shall give notice by mail

to all landowners within the district of the time and place of holding the election."

Section 402. Section 85-8-304, MCA, is amended to read:

"85-8-304. Results of election. The clerk of the board of directors shall enter the result of *the election* in the minutes of the board and file with the clerk of the district court creating the district a statement showing the names of the persons elected as commissioners, the names of the commissioners whose term will expire on the first *Monday in January* following, and the names of all of the persons who will compose the board of directors for the year next following the first *Monday in January*."

Section 403. Section 85-8-306, MCA, is amended to read:

"85-8-306. Nominations. Candidates for the office of commissioner to be filled by election under the provisions of this part may be nominated by petition filed with the *county election administrator* and signed by at least five electors of the district. If no nominations are made, the electors of the district shall write on the ballots the name or names of the persons for whom they desire to vote. Nothing herein contained shall prevent an elector from voting for any qualified person, although the name does not appear on the official ballot."

Section 404. **Transition schedule.** (1) Elected officials holding offices to be elected in odd-numbered years and holding office on the date this law becomes effective shall continue in office and in the performance of their duties until the next election as specified in 13-1-104 and subsection (2) or (3) of this section.

(2) Elections required by 13-1-104 for odd-numbered years shall be held beginning in 1979.

(3) Elections required by 13-1-104 for even-numbered years shall be held beginning in 1980.

(4) Notwithstanding any other provision of state law, all elected officers holding office on the date this law becomes effective shall hold their respective offices until new successors are elected and qualified.

Section 405. **Severability.** If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 406. **Codification.** (1) Section 3, section 6, and sections 11 through 18 are intended to be codified as an integral part of Title 13, chapter 1.

(2) Sections 25, 30, 41, and 43 are intended to be codified as an integral part of Title 13, chapter 2.

(3) Sections 53 and 62 are intended to be codified as an integral part of Title 13, chapter 4.

(4) Section 102 is intended to be codified as an integral part of Title 13, chapter 12.

(5) Sections 104 through 115, section 127, section 130, and section 133 are intended to be codified as an integral part of Title 13, chapter 13.

(6) Sections 139 through 149 are intended to be codified as an integral part of Title 13, chapter 14.

(7) Section 150 and sections 166 through 168 are intended to be codified as an integral part of Title 13, chapter 15.

(8) Sections 181 through 184 and section 193 are intended to be codified as an integral part of Title 13, chapter 16.

(9) Section 200 is intended to be codified as an integral part of Title 13, chapter 17.

(10) Section 210 is intended to be codified as an integral part of Title 13, chapter 25.

(11) Sections 244 through 246 are intended to be codified as an integral part of Title 13, chapter 37.

(12) Sections 261 and 262 are intended to be codified as an integral part of Title 13, chapter 38.

(13) If the sections in (1) through (12) are not codified as instructed in this section, the code commissioner shall add to the MCA, if necessary, statutory language to convey the intent of this section.

Section 407. **Repealer.** Sections 2-15-413, 7-2-4604, 7-2-4605, 7-3-1233, 7-3-1234, 7-3-1272 through 7-3-1280, 7-3-4224 through 7-3-4226, 7-3-4232 through 7-3-4241, 7-3-4263, 7-3-4328 through 7-3-4333, 7-3-4342 through 7-3-4352, 7-5-301 through 7-5-303, 7-5-311, 7-5-2211 through 7-5-2222, 7-5-4211 through 7-5-4225, 7-5-4402 through 7-5-4409, 7-6-4433, 7-6-4435, 7-7-2230 through 7-7-2236, 7-7-4228 through 7-7-4234, 7-13-2223, 7-13-2224, 7-13-2248, 7-13-2250 through 7-13-2253, 7-13-2257, 7-13-2326, 13-1-105, 13-2-101, 13-2-111, 13-2-113, 13-2-121, 13-2-204, 13-2-303, 13-4-204 through 13-4-206, 13-10-101, 13-10-206, 13-10-207, 13-10-210, 13-10-304, 13-10-312 through 13-10-321, 13-10-506, 13-10-603, 13-11-101 through 13-11-103, 13-12-103 through 13-12-105, 13-12-206, 13-12-211, 13-12-213, 13-13-102 through 13-13-110, 13-13-202, 13-13-237, 13-13-238, 13-13-240, 13-13-302, 13-13-303, 13-13-308, 13-14-101 through 13-14-104, 13-14-201 through 13-14-208, 13-15-302, 13-17-202, 13-17-205, 13-17-207, 13-17-302 through 13-17-304, 13-17-307, 13-17-401 through 13-17-404, 13-18-101 through 13-18-106, 13-18-201 through 13-18-210, 13-35-212, 13-35-216, 13-35-219, 13-35-222 through 13-35-224, 13-35-229, 13-35-230, 13-35-232, 20-20-412 through 20-20-414, 85-7-1701, 85-7-1704 through 85-7-1709, 85-7-1711, and 85-9-423, MCA, are repealed.

Approved April 12, 1979.